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Letter dated 15 November 2010 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 6 of Security Council resolution 1896 (2009), I have the honour to submit herewith the final report of the Group of Experts on the Democratic Republic of the Congo.

In this connection, I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chair

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Enclosure

Letter dated 26 October 2010 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the final report of the Group prepared pursuant to paragraph 6 of Security Council resolution 1896 (2009).

(*Signed*) Raymond **Debelle**

(*Signed*) Mouctar Kokouma **Diallo**

(*Signed*) Steven **Hege**

(*Signed*) Frederick **Robarts**

(*Signed*) Pawel **Tarnawski**

Summary

The Government of the Democratic Republic of the Congo has registered progress in its efforts to bring peace and stability to the eastern part of the country, not least by building on its rapprochement with its neighbours. A number of encouraging initiatives are under way, including the Government's leadership role in the promotion by the International Conference on the Great Lakes Region of the legal trade in natural resources in the region for the benefit of all of its inhabitants.

President Joseph Kabila has publicly recognized that the involvement of criminal networks within the Forces armées de la République démocratique du Congo (FARDC) in the illegal exploitation of natural resources has created a conflict of interest with the army's constitutional security mandate. This involvement has led to pervasive insubordination, competing chains of command, failure to actively pursue armed groups, amounting in certain cases to collusion, and neglect of civilian protection. Criminal involvement can range from illegal taxation, protection rackets and indirect commercial control, to more direct coercive control. Taken together, the consequences of this involvement in the exploitation of natural resources by networks within FARDC are an important cause of insecurity and conflict in the eastern part of the country.

Congolese armed groups, including the Forces patriotiques pour la libération du Congo, Mai Mai Sheka and Alliance des patriots pour un Congo libre et souverain, have continued to form coalitions among themselves and with foreign armed groups, despite their varying strategic agendas. Through those alliances, foreign and Congolese armed groups have been emboldened to attack FARDC and pillage mining sites and local populations. Some armed groups, such as Mai Mai Sheka, have been generated by criminal networks within FARDC that compete for control over mineral-rich areas. In addition, armed groups continue to tap into popular unease with the current status quo in the Kivus, including fear of unmanaged refugee returns, land grabs, politico-military marginalization and resentment caused by ongoing insecurity. Although armed groups have been forced to concede most of the main mining sites in the Kivus, they continue to control smaller mines in more remote areas and have increasingly relied on intermediaries and predatory attacks to profit from the mineral trade.

Units of the former Congrès national pour la défense du peuple (CNDP) in FARDC have gained military control over most of the strategic areas rich in natural resources in the Kivus, presenting a challenge to their integration into FARDC. The process has also been undermined by the withholding by CNDP of non-integrated units and weapons, links to armed groups and profound internal divisions. More recently, CNDP has reunified and increased recruitment to oppose redeployment outside the Kivus.

The arrests in Europe of senior political leaders of the Forces démocratiques de libération du Rwanda (FDLR) has signalled stronger international resolve to bring to justice those who command and represent the group from afar. Yet the Group has found that impact of those arrests on the morale of combatants and their military leaders has been more limited than expected. FDLR increasingly works with other armed groups, including former enemies, to attack and loot both civilian and military targets. FARDC operations, meanwhile, have successfully disrupted FDLR taxation and trading activities, although the organization continues to exploit natural resources in remote areas.

The Lord's Resistance Army (LRA) still abducts children and commits atrocities in Orientale Province, but it appears to have withdrawn most of its forces to Southern Sudan and the eastern area of the Central African Republic. The Group investigated reports of contacts between an LRA delegation and officers from the Sudanese armed forces, finding that contacts took place at the initiative of LRA, which was seeking to re-establish relations and to negotiate refuge in the Sudan. The Group also researched sources of financial and military support to the Ugandan-led Allied Democratic Forces, including from its London-based leader Jamil Mukulu and Pakistani and Moroccan trainers. Moreover, following the disappearance from Burundi in July 2010 of opposition leader Agathon Rwasa, the Group monitored the remobilization of his Forces nationales de libération movement and its use of South Kivu as a rear base, where it has already formed alliances with local armed groups.

The present report documents a small number of cases of direct and command responsibility for the recruitment and use of children by the leaders of Congolese armed groups as well as two military commanders from FARDC, all of whom have used children as their personal escorts. The Group did not duplicate investigations into the mass rape of more than 300 civilians over three days in Walikale, but its research did lead to some observations on the nature of the coalition responsible for this atrocity.

The report also examines a number of challenges to the transparency and traceability of mineral supply chains from the eastern part of the Democratic Republic of the Congo, as well as an industry-led initiative aimed at addressing the involvement of armed actors in the supply chain. After full and wide-ranging consultations, particularly with the Congolese Government, the Group has presented two options for due diligence guidelines. The first option, drawn precisely from the Group's mandate, provides guidance to importers, processors and consumers of minerals from the eastern part of the Democratic Republic of the Congo on how to mitigate the risk of providing direct or indirect support to illegal armed groups and/or to individuals and entities that are subject to targeted sanctions. The second option provides guidance to the same audience to mitigate the additional risks of providing direct or indirect support to criminal networks and perpetrators of serious human rights abuses within FARDC. Both options employ the same five-step risk-based due diligence approach developed by the Group and other stakeholders through a working group hosted by the Organization for Economic Cooperation and Development to develop due diligence guidance for responsible supply chains of minerals from conflict-affected and high-risk areas.

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I. Scope and methodology

1. The Group of Experts submitted its interim report on 29 April 2010 (S/2010/252). Since then, the Group has continued to investigate possible violations of the arms embargo in the eastern part of the Democratic Republic of the Congo, pursuant to Security Council resolution 1896 (2009).

2. Building on the work of previous Groups of Experts, the Group focused its research on the activities, leadership and support networks of the Forces démocratiques de libération du Rwanda (FDLR) and its splinter group, Ralliement pour l'unité et la démocratie (RUD-Urunana). The Group also researched the support networks of two Ugandan-led armed groups that were targeted by joint Congolese-Ugandan military operations: the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF), and the activities of the Burundian Forces nationales de libération (FNL) in South Kivu.

3. The Group also researched a number of case studies of Congolese armed groups that either continued to refuse to be integrated within the Forces armées de la République démocratique du Congo (FARDC) or have abandoned the process, some entering into operational coalitions with one another or with FDLR to inflict attacks on civilian or military targets. These include the Forces républicaines fédéralistes (FRF), Mai Mai Sheka, the Alliance des patriotes pour un Congo libre et souverain (APCLS) and the Forces patriotiques pour la libération du Congo (FPLC), the latter representing an attempt to build a new coalition including former Congrès national pour la défense du peuple (CNDP) deserters of FARDC, FDLR and Mai Mai groups.

4. As signalled in its interim report, the Group has continued to monitor the incomplete implementation of the political and military agreements of 23 March 2009 signed by the Government, CNDP and other Congolese armed groups, with a view to assessing consequences relevant to its mandate.

5. Pursuant to paragraph 13 of resolution 1807 (2008), the Group has also investigated individuals who have committed serious violations of international humanitarian and human rights law by recruiting and using child soldiers or targeting women and children in armed conflict situations, who have obstructed humanitarian assistance and who have impeded the disarmament process. The Group has worked with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), relevant United Nations agencies and local organizations in those investigations, also conducting interviews with eyewitnesses, including current and former members of armed groups. A qualified child protection worker was present for interviews with witnesses who were under 18 years old. In the light of past experience and guidance from the Committee, the Group has presented a limited number of cases establishing direct and command responsibility for serious violations of international law. In its identification of cases and sources, the Group took steps not to duplicate the ongoing work of competent United Nations teams, notably the MONUSCO-Office of the United Nations High Commissioner for Human Rights Joint Human Rights Office and the MONUSCO Child Protection Section.

6. By paragraph 7 of resolution 1896 (2009), the Security Council extended the mandate of the Group of Experts to include recommendations to the Sanctions Committee established pursuant to resolution 1533 (2004) for guidelines for the exercise of due diligence by importers, processing industries and consumers of

mineral products from the Democratic Republic of the Congo. To this end, the Group consulted concerned Member States, regional and international forums, commercial entities and civil society organizations, also drawing on its own investigations into the linkage between the exploitation of natural resources and the financing of armed groups. A further description of the methodology used to arrive at these recommendations is contained in paragraphs 320 to 326.

7. In its interim report, the Group referred to the problem of the militarization of mines in the eastern part of the country. In the course of its investigations into networks potentially providing support to armed groups, as well as fieldwork to develop and contextualize guidelines for the exercise of due diligence by purchasers of minerals, the Group encountered and documented numerous cases of illegal involvement in the exploitation of natural resources by criminal networks within FARDC. The Group has documented a number of ways in which this conflict of interest undermines the constitutional mission of FARDC to protect civilians and their property. To support ongoing efforts by the Government to tackle criminal networks, the Group has shared relevant information about these cases with the Congolese authorities.

8. The Group also gathered and analysed available information on flows of arms and related material, on networks operating in violation of the arms embargo and on the implementation by Member States of the measures of the arms embargo, including the travel ban and assets freeze on designated individuals and entities.

9. The Group used evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its 2006 report (S/2006/997), relying on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information using at least three independent sources assessed by the Group to be credible and reliable. The Group has attached to the present report all annexes it deems important to further substantiate its findings. In cases where identifying sources would expose them to an unacceptable risk of reprisals, the Group has placed the relevant evidence in United Nations archives, along with other relevant documents.

10. Pursuant to paragraph 18 of resolution 1807 (2008), the Group analysed and exchanged relevant information with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)/MONUSCO and is grateful for the cooperation it received, notably from the Joint Mission Analysis Cell, disarmament, demobilization, repatriation, reintegration and resettlement programme, the Joint Human Rights Office, the Child Protection Section, the Civil Affairs Section, the Political Affairs Division and the office of the Deputy Special Representative of the Secretary-General (Rule of Law). The Group would like to express its appreciation for the decision of the Special Representative of the Secretary-General, Roger Meece, to agree to procedures for more systematic information-sharing between the Mission and the Group. The Group is also grateful for the administrative and logistical support it received from the Mission.

11. The Group met with a broad range of interlocutors during its fieldwork, including the civilian and military authorities of the Democratic Republic of the Congo, Rwanda, Uganda, Burundi, regional organizations, Interpol, non-governmental organizations, businesspeople, researchers and former and current leaders and members of armed groups. More details are provided in annex 1.

12. By his letter dated 25 June 2010 (S/2010/337), the Secretary-General informed the Security Council that he had appointed Steven Hege (United States of America, armed groups) and named Mouctar Kokouma Diallo (Guinea, customs and finance) as Coordinator of the Group of Experts, following the resignation of Philip Lancaster (Canada, armed groups) for personal reasons. Other members of the Group were Raymond Debelle (Belgium, arms), appointed on 25 February 2010 (S/2010/99), Fred Robarts (United Kingdom of Great Britain and Northern Ireland, regional issues) and Pawel Tarnawski (Poland, logistics), appointed on 22 April 2010 (S/2010/207). The Group was assisted by a consultant, Gregory Mthembu-Salter (United Kingdom), to undertake the tasks described in paragraph 7 of resolution 1896 (2009), including the drafting of due diligence guidelines. Claudio Gramizzi (Italy) also served as a consultant during the initial part of the mandate. For four months, the Group was assisted in its information management tasks by Elsa Papageorgiou (France). The Group was further assisted in its mandate by Francesca Jannotti Pecci and subsequently by Stéphane Auvray, both Political Affairs Officers in the Department of Political Affairs of the United Nations Secretariat.

II. Context

A. Regional developments

13. Regional cooperation on security issues continues to benefit from improved diplomatic relations between the Democratic Republic of the Congo and Rwanda, Uganda and Burundi and a renewed commitment to enhancing the effectiveness of the Economic Community of the Great Lakes Countries. This renewed regional cooperation remains the cornerstone of stability in the region and in the Democratic Republic of the Congo. In the absence of foreign State support, armed groups in the country, while still formidable, are collectively weakened.

14. Presidents and defence ministers from the four countries meet fairly regularly. Unlike in 2008 when suspicion and mutual animosity characterized their relationships, the Presidents of Burundi and Rwanda both visited Kinshasa this year, and on 9 September President Kabila attended the inauguration of Paul Kagame in Kigali following his re-election.

15. Regional cooperation provided the context for the signing of tripartite agreements between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Governments of the Democratic Republic of the Congo and Burundi in December 2009 and with the Government of Rwanda in February 2010, establishing the framework for the organized returns of refugees to their country of origin.[1] The first convoy of 240 Burundian refugees crossed the border from South Kivu on 5 October 2010. Although the return of refugees is a positive development, tensions created by the arrival of spontaneous returnees and economic migrants from Rwanda to North Kivu this year showed the risk of destabilization if returns are not carefully and transparently managed, taking into account the sensitivity of unresolved land issues.

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[1] According to UNHCR figures, there were, as at 30 September 2010, 73,254 Rwandan refugees (Government estimates) and 16,542 Burundian refugees in the Democratic Republic of the Congo; and 54,486 and 27,429 Congolese refugees in Rwanda and Burundi respectively.

16. The United Nations "mapping report",[2] published in August 2010 with a recommendation to establish a judicial commission of inquiry, was rejected by the Governments of Rwanda, Uganda and Burundi, but was welcomed by the Permanent Representative of the Democratic Republic of the Congo to the United Nations as "detailed and credible".

17. Despite the regional collaboration in military operations against the foreign armed groups such as FDLR and LRA, the inability of the operations to neutralize those groups continually tests the level of trust between the regional Governments.

Rwanda

18. The run-up to the Rwandan presidential elections on 9 August 2010 and the events that surrounded it were closely followed in the Kivus. Former general Kayumbe Nyamwasa, who fled to South Africa in February 2010, was the victim of an assassination attempt in Johannesburg in June 2010. On 14 October 2010, the Rwandan authorities re-arrested opposition leader Victoire Ingabire on charges of organizing a terrorist group.

Uganda

19. In a joint statement released following a two-day bilateral meeting held in Kampala in September 2010, Ugandan Defence Minister Crispus Kiyonga and his Congolese counterpart, Charles Mwando Nsimba, agreed to do everything possible to neutralize LRA and ADF. Uganda has also offered to train FARDC troops at its military academies. In a further sign of rapprochement between the two Governments, the Ugandan authorities arrested FPLC commander "General" Ngabo Gadi in Kampala on 29 June and Front populaire pour la justice au Congo (FPJC) leader Sharif Manda on 1 September. Gadi has remained in Uganda, while Manda has been transferred to the Congolese authorities.

Burundi

20. Opposition parties boycotted presidential elections in June 2010, leaving President Nkurunziza as the only candidate. FNL leader Agathon Rwasa fled to South Kivu, where he is suspected to be preparing to renew his movement's armed struggle.

Southern Sudan

21. Preparations are under way for a referendum on independence for Southern Sudan, scheduled for January 2011, the result of which will have profound political and security implications. The recent move of LRA to Southern Darfur creates suspicion and is a destabilizing factor.

B. National context

22. On 30 June 2010, the Democratic Republic of the Congo celebrated the fiftieth anniversary of its independence. Political and technical preparations are under way for the first round of presidential and legislative elections in November 2011.

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[2] OHCHR, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003".

23. On 11 September, President Kabila imposed an indefinite suspension of all mining activity in North Kivu, South Kivu and Maniema in an attempt to address the problem of the militarization of the mineral trade, dominated by what the President has been reported as having referred to as "a kind of mafia" and what his Minister of Mines referred to, on 12 September 2010, as "mafia-like groups that reinforce chronic insecurity, counter to efforts at stabilization".

C. Overall security context

24. Managing simultaneous military operations, as FARDC has done in North and South Kivu, Equateur, Maniema and Orientale Provinces in 2010, would constitute a major challenge for any national army, if only due to the size and difficulty of the terrain and the absence of infrastructure.

25. FARDC has successfully disrupted the activities of the armed groups it targeted, but has not conclusively defeated any of the major armed groups. The structural constraints of FARDC are well documented: limited logistical and communication capacities, late payment of salaries; discipline and command-and-control problems, including parallel chains of command; and an incomplete, increasingly fragile integration process that results in frequent desertions (see sect. VI).

26. Frustrated by conditions imposed by MONUSCO regarding support for joint operations, FARDC has relied increasingly on unilateral action during the Amani Leo operation, further limiting the influence of MONUSCO over its conduct. The conduct of FARDC continues to be problematic. Out of the 3,723 incidents reported in the first half of 2010 by UNHCR in North Kivu, 1,302 (35 per cent) were caused by FARDC, compared with 698 (19 per cent) by FDLR. FARDC units have been accused by local populations of looting and burning entire villages and torturing and raping civilians in the course of their operations. The total number of internally displaced persons in the Democratic Republic of the Congo, 1,709,591 as at 30 September (of whom 1,542,509 are in North and South Kivu), while slightly below 2009 levels, is indicative of the humanitarian impact of this generalized insecurity.

Operation Amani Leo

27. Operation Amani Leo was launched in January 2010 against FDLR and residual Congolese armed groups in the Kivus following the end of operation Kimia II in December 2009. While FDLR reprisals against civilians have continued, the momentum of operations has progressively slowed as FDLR adapts to the new context, making alliances with other armed groups and moving to increasingly remote areas. Meanwhile, elements within FARDC have been distracted with diverse economic activities, internal divisions and frustrations related to the incomplete implementation of the 23 March 2009 peace agreements.

28. While the strength of FDLR has declined from an estimated 5,800 combatants before the Nairobi communiqué in 2007 to no more than 3,500 combatants in 2010, the FDLR command and control structure remains largely intact with only a handful of mid- to senior-level officers from FDLR and RUD being neutralized during Amani Leo.

Operation Ruwenzori

29. On 25 June 2010, FARDC unilaterally launched Operation Ruwenzori against ADF without MONUSCO support. According to the Office for the Coordination of Humanitarian Affairs, this action led to the displacement of up to 100,000 civilians in Beni territory. Some returns were observed in August 2010, as the intensity of combat decreased. While the success of the initial phase of the operation was limited, with FARDC suffering relatively high casualties, the second phase, launched on 3 September, appears to have resulted in FARDC securing control over the main ADF bases, scattering its combatants. Despite the increased military pressure, ADF surrenders have not increased, indicating that it remains a cohesive force which, given space, will reestablish itself.

Rudia II and Iron Stone

30. In Orientale Province, Operation Rudia II against LRA continues alongside the Uganda People's Defence Forces (UPDF), Forces armées centrafricaines (FACA) and the Sudan People's Liberation Army (SPLA) military operations in the Central African Republic, Southern Sudan and the Democratic Republic of the Congo. Although decreasing, LRA attacks against civilians have nonetheless continued, with peaks noted in February (18 attacks, 79 persons killed) and July (27 attacks, 13 persons killed) as well as attacks in the eastern part of the Central African Republic, Southern Sudan and Southern Darfur.

31. There were significant steps towards increasing international cooperation to confront LRA. On 27 July, the chiefs of defence staff of the Democratic Republic of the Congo, Uganda and the Central African Republic agreed to set up a joint intelligence and operations centre in Dungu in order to address the cross-border security challenge of LRA. On 13 and 14 October, the African Union convened a meeting on LRA in Bangui, where a number of recommendations, including the formation of a joint African Union brigade to combat LRA, were proposed. This increased regional cooperation has been reinforced by international support, including from the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act ("LRA Act") signed by the United States President, Barack Obama, in May, which should result in increased support to the allied regional forces. Also, the five United Nations peace operations in the four countries affected by LRA convened meetings to increase regional cooperation, and the new mandate of MONUSCO, in Security Council resolution 1925 (2010), allows the Mission to support regional forces, such as UPDF, if the Government requests such assistance.

32. Despite those efforts, however, progress in defeating LRA has slowed. This loss of effectiveness is due primarily to the movement of LRA into Southern Darfur, where allied forces and international organizations are not authorized to enter. In addition, resources on the ground remain inadequate to the extent that MONUSCO, despite expanding its presence to six bases, is not able to deploy to the district of Bas-Uele, where LRA has also committed attacks. Despite logistical support from MONUSCO, FARDC lacks transport, supplies and communications. Also, most troops have not rotated for over a year and allegations of human rights abuses continue to be reported.

33. In Ituri's Irumu territory, the FARDC Iron Stone operation has dislodged the Forces de résistance patriotique en Ituri (FRPI)/FPJC militia from Apa, Kule and Oku, although small groups remain in the Semiliki valley and the regions of Tchey,

Tchekele and Mokato Ngazi. The leader of FPJC, Sharif Manda, was arrested by Ugandan authorities on 1 September. However, the FRPI leader, Cobra Matata, who had integrated into FARDC, deserted in early June and started recruiting and reorganizing a militia group in southern Ituri. Despite the continued militia presence, attacks in Ituri remain relatively limited.

III. Congolese armed groups

A. Mai Mai Sheka/Nduma Defence for Congo

34. Mai Mai Sheka (also known as Nduma Defence for Congo) is an armed group active in northern Walikale territory. In order to understand Mai Mai Sheka, the Group conducted many interviews with diggers, government officials, mineral traders, FARDC officers and civil society members with expertise and first-hand experience of the networks that compete for control over the mineral trade in Walikale, competition that has had a devastating impact on security in the territory. From these extensive consultations, the Group has concluded that Mai Mai Sheka is a creation of a criminal network within FARDC.

35. In the control of the mineral trade in Walikale, this network was marginalized after military control was awarded to former CNDP networks to encourage their integration into FARDC in early 2009. Prior to the arrival of the former CNDP 212th brigade in Walikale, the Bisie cassiterite mine was controlled by the 85th brigade of Colonel Sammy Matumo on behalf of the network. The replacement of the 85th brigade with the 212th brigade represented a clear threat to the interests of this network, which saw in the creation of an armed group an opportunity to undermine the control of former CNDP networks in Walikale by fostering insecurity.

36. According to mineral traders in Walikale, before the inception of Mai Mai Sheka, Sheka Ntabo Ntaberi, its leader, had worked first with the Bisie-based diggers' cooperative, COMIMPA (Coopérative minière de Mpama Bisie), and then with the mining company Mineral Processing Congo, which holds the exploration rights to the Bisie mine. Despite having no prior military experience, in June 2009, Sheka mobilized deserters of both the 85th FARDC brigade and the FARDC military base at Biruwe to form his group, which has never exceeded 70 combatants. The first three attacks and lootings that Mai Mai Sheka conducted between June and August 2009 were aimed at the principal mines of the territory, Obaye, Omate and Bisie. Meanwhile, according to high-ranking military officials in Goma, Matumo has repeatedly lobbied for his own redeployment to Walikale.

37. Numerous credible sources have reported to the Group that Colonel Etienne Bindu, the FARDC Deputy Commander of the 8th military region, who is from Walikale and is reported to be Sheka's uncle, has supported Sheka since the movement's initial stages. Bindu has a long history of investment and participation in the mineral trade in Walikale, through which he has built an extensive real estate portfolio, which the Group has documented. Sources within FARDC have informed the Group that Bindu is in regular telephone communication with Sheka and has on several occasions transported money, weapons and uniforms to Sheka through his role in controlling logistics for the 8th military region. Prior to Sheka's hostage-taking attack on Kilambo airstrip in September 2010, an associate of Bindu was apprehended on suspicion of informing Sheka of the imminent arrival of the plane in

Kilambo. According to airport officials, Bindu immediately arrived to free him from the custody of Congolese military intelligence in Goma. The Group also obtained satellite telephone call logs for a number verified to be in use by Sheka, showing a pattern of communications with Bindu's younger brother, Major Morgan, a battalion commander within the FARDC 212th brigade, based near Bisie.

38. Sheka originally claimed to resist the return of Congolese refugees currently in Rwanda to the territory of Walikale. However, in interviews with the group, Sheka pointed to the militarization of mining by FARDC in Walikale as the principal motive behind his rebellion. In phone interviews with the Group, Sheka claimed to have fought to "liberate" many mines from the hands of FARDC, including Mundjuli, Iramesu, Nkingwe and Ango. According to mineral traders interviewed by the Group in Walikale and Masisi, most of the gold from those mines is then either sold through traders in the trading centre of Mubi or in the Mutongo market between Pinga and Nyabiondo. The price of gold at Mutongo is $25 per gram, nearly $15 less than in any other mineral markets researched by the Group.

39. Though limited in numbers, Mai Mai Sheka has conducted 11 separate operations against mining sites and trading centres. Importantly, Sheka has benefited from an operational coalition between former CNDP and FDLR combatants who are deployed near his headquarters. Indeed, most of Sheka's military capacity during the attacks has been made up of FDLR combatants under the leadership of Captain Seraphin Lionso. FDLR ex-combatants have informed the Group that Lieutenant Colonel Evariste "Sadiki" Kanzeguhera had deployed Captain Seraphin and his unit specifically to assist Sheka in conducting looting and pillaging operations.

40. In addition, Sheka has benefited from the support of former CNDP commander Emmanuel Nsengiyumva, who deserted his FARDC post as the commander of the 2,111th battalion in December 2009. According to MONUSCO, Nsengiyumva had been in contact with Sadiki since September 2009. According to ex-combatants interviewed by the Group, Nsengiyumva's and Seraphin's headquarters remain separate from those of Sheka's. The three units jointly plan and carry out operations, however.

41. One of the main joint operations of the armed groups was carried out between 30 July and 2 August, when they looted villages stretching between Kibua and Luvungi. Over the course of those four days, according to the MONUSCO Joint Human Rights Office, more than 300 individuals became victims of sexual violence. According to a perpetrator handed over to FARDC and interviewed by the Group, the orders to conduct the rapes were given directly by Sheka himself, who had been advised that the widespread use of rape would garner much greater attention for his armed group. Sheka's Chief of Staff Sadoke Kikunda Mayele, was arrested on 5 October (see also paras. 145 and 146).

42. Moreover, despite the apparent contradiction with Sheka's stance against the presence of FARDC units led by former CNDP members, numerous credible sources have stressed the indirect cooperation that exists between Sheka and the FARDC 212th brigade commander, Colonel Yusuf Mboneza. According to multiple sources within FARDC in Walikale, Mboneza remains in regular communication with Nsengiyumva, his cousin, since the latter's arrival in Walikale. On multiple occasions prior to attacks on Mubi or the Kilambo airstrip, 212th brigade troops vacated their positions shortly before the arrival of Mai Mai combatants. The Group

was informed by a reliable source close to Mboneza that the Colonel stated "let them have their piece" when informed of another attack by Sheka.

43. On 12 August, Mboneza, an officer loyal to Colonel Makenga, was arrested for insubordination related to his failure to combat Mai Mai Sheka. According to FARDC sources, ex-CNDP officers from both factions immediately united to demand his immediate release. According to eyewitnesses interviewed by the Group, Ntaganda sent more than 100 soldiers to kidnap his rival commanding officer, Colonel Chuma, and then overran the Military Prosecutor's Office and forced the release of Mboneza.

B. Alliance des patriotes pour un Congo libre et souverain

44. Alliance des patriotes pour un Congo libre et souverain (APCLS) is an ethnic Hunde armed group which is led by "General" Janvier Buingo Karairi. Numbering between 400 and 600 combatants, APCLS is one of the strongest Mai Mai groups in North Kivu, mobilizing its forces on the basis of popular resistance to refugee returns and land conflicts with ethnic Hutu and Tutsi communities. According to MONUSCO, the President of the political wing of APCLS is Hangi Augustin, and its financial backers include politicians in Goma and Kinshasa.

45. Janvier was a member of the Coalition des patriotes résistants congolais (PARECO) during its conflict with CNDP in 2007 and 2008. Along with other factions of PARECO, APCLS was due to be integrated into FARDC in early 2009. Janvier refused integration, however, alleging that the Congolese authorities could not guarantee security of land tenure for Hunde. APCLS is currently located in and around Lukweti, controlling the localities between Kilambo, Mutongo and Misao to the west and Buboa, Butsindo and Buhato to the east. Janvier's headquarters have been located in Lukweti since mid-2009, when FARDC operations against them led to the killing of civilians (see S/2009/603, para. 367).

46. During its visit to Lukweti, the Group observed very positive relations between the APCLS rebels and the local Hunde population. In an interview with the Group, Janvier stated that APCLS defends this population against invasions and land grabs of the former CNDP. He also informed the Group that he felt betrayed by his loyalty to the Government, which gave the army over to CNDP.

47. According to several active FDLR combatants interviewed by the Group west of Lukweti, the commander of the FDLR North Kivu Sector, Colonel Ntawugunka "Omega" Pacifique Israel, has deployed a company-sized unit to reinforce the outer perimeter of the APCLS stronghold. These combatants claimed to the Group that they had been instructed to follow Janvier's orders.

48. In the Group's view, the close ties between APCLS and FDLR in the area imply, at a minimum, indirect connections between APCLS and Sheka, although Janvier denied this in an interview with the Group.

49. While APCLS does not control any mineral-producing areas, it does control Mutongo, the principal gold market in the area. According to several local businessmen interviewed by the Group, gold from throughout Walikale is sold in Mutongo, from which FDLR collects tax revenue. Pillaged items from Walikale, such as telephones, luggage and clothing, are sold at half-price in the Mutongo market and are locally referred to as "*merci* Sheka". Mutongo was also the location

of meetings between North Kivu armed groups in September 2010. According to MONUSCO sources, APCLS has also recruited a significant number of children among its ranks. The Group observed some of those children during a visit to meet APCLS leaders in Lukweti.

C. Forces patriotiques pour la libération du Congo

50. According to a former FPLC source, this armed group was first established in November 2008 in response to CNDP attacks at Kiwanja. In March 2009, the Group of Experts interviewed four (former Mai Mai) FARDC officers who had met the FPLC commander, Ngabo Gadi, in Kampala (profile in annex 2). Later in 2009, according to MONUSCO, Gadi was linked to reports concerning Bosco Ntaganda's recruitment activities in Kampala. On 1 January 2010, Gadi announced the existence of FPLC to Radio Okapi journalists; thereafter the movement's political programme, which is based on opposition to the current peace strategy in the Kivus, was circulated on the Internet (annex 3).

51. During its current mandate, the Group monitored the FPLC multi-ethnic coalition-building project. On the basis of interviews with members and representatives of FPLC, as well as other members of armed groups, the Group estimates that FPLC has no more than 300 combatants and that it has been trying to form alliances with other armed groups active in the eastern part of the Democratic Republic of the Congo. In the meantime, according to e-mail correspondence obtained and verified by the Group, the FPLC political leadership has also contacted members of the Congolese diaspora and embassies in the Great Lakes region.

52. In mid-June 2010, the Group presented some of its early findings about FPLC to the Ugandan authorities, noting evidence from the testimony of numerous sources that Gadi was travelling frequently between the eastern part of the Democratic Republic of the Congo and Kampala, where he was holding political meetings. On 29 June, the Ugandan military intelligence service arrested Gadi in Kampala. Since then, according to local, official and diplomatic sources, Gadi has been kept under surveillance but has not been formally charged, and the Congolese authorities have not requested his extradition.

53. The Group has met with other representatives of FPLC, including Lieutenant Colonel Célestin Bisungu Kaluka, Chief of Staff of the Forces nationales congolaises (FPLC military wing) from the headquarters of the FARDC 8th military region, Colonel Freddy Gasava, an intelligence officer and former CNDP officer, and Aimé Munyakazi, FPLC spokesperson and a candidate in the 2006 national elections. Those interlocutors informed the Group that they no longer considered Gadi as leader of FPLC. The Group has yet to identify Gadi's replacement.

54. During its visit in July 2010, the Group observed FPLC members from different ethnic communities of North Kivu, predominantly Hutu, Tutsi, Nande and Hunde. Some were FARDC deserters formerly with CNDP or PARECO. In September 2010, according to MONUSCO and FPLC sources, another former CNDP officer loyal to Laurent Nkunda, Major Charles Rusigiza, deserted FARDC to join FPLC.

55. According to MONUSCO reports, FARDC sources and a PARECO cadre interviewed by the Group, FPLC has attempted to use its inside knowledge to raid CNDP arms caches, notably by attacking Burungu on 2 June, capturing a 12.7-mm

machine gun, a 107-mm rocket launcher (bi-tube), a 75-mm recoilless gun and a large amount of ammunition. According to a former CNDP source, the attack targeted the house of Colonel Innocent Kabundi (FARDC Zone 3 operations commander since April 2009 (see S/2009/603, annex 124), located at Kabaragasha (1 km from Burungu, Kichanga area; see annex 4). The house was used by Colonel Innocent Zimurinda, FARDC 22nd Sector commander since April 2010, as a depot of weapons and ammunition (see S/2009/603, annex 124, and paras. 135, 136, 154, 161, 166, 239, 250 and 257, and box 4 below).

56. The Group examined claims by the FPLC leadership in 2010 that it had obtained agreements of support with several armed groups, including diverse Mai Mai groups, FDLR and RUD-Urunana. One FPLC representative interviewed by the Group claimed to have contacts with seven different Mai Mai groups in North and South Kivu, FRF and certain elements of the former Forces armées zaïroises (FAZ). While the strength of these relationships seems likely to have been exaggerated, numerous members of armed groups, including two PARECO factions, an APCLS officer and some FARDC officers, gave first-hand testimony corroborating reports of Gadi's recruitment activities prior to his arrest at the end of June 2010.

57. Members of FPLC also informed the Group that their movement has been in dialogue with former CNDP officers loyal to General Nkunda, of whom two, Lieutenant Colonel Emmanuel Sengyumva and Major Charles Ruzigiza, deserted FARDC and joined FPLC during the Group's mandate.

58. Congolese police and military intelligence officers informed the Group that FPLC was affiliated with Mai Mai Complet in Rutshuru. However, Lieutenant Colonel Bisungu (see para. 53 above) declared that FPLC had broken off relations with Complet after the latter's responsibility for the massacre of 27 civilians in Nyamilima in June 2010. Three former officers of Forces combattantes abacunguzi (FOCA) and an eyewitness cited meetings between representatives of FOCA and FPLC held in Nyamilima and Mutongo in early 2010. According to those sources, Gadi was present at one of the meetings with Lieutenant Colonel Védaste "Esdras" Hatangumuremyi, commander of the FOCA 2nd Montana battalion in North Kivu.

59. The Group has been informed by a number of sources, including the leader of another armed group and an FARDC intelligence officer, of links between FPLC and RUD-Urunana. According to United Nations sources, Gadi met with "General" Musare, the RUD military commander, on 12 March in Bunyatenge, North Kivu. A former RUD combatant informed the Group that Gadi had held meetings with a representative of RUD in Kampala shortly before Gadi's arrest. According to an intelligence officer of FARDC and other sources, FPLC has been using the name of RUD-Urunana to recruit new members from the Nakivale refugee camp in Gisoro, Uganda. Recruitment in this camp for RUD was confirmed by multiple sources.

60. FPLC is much more important symbolically than it is operationally. The coalition-building rebel movement represents a current running counter to regional trends, tapping into disillusionment with the direction and consequences of the peace arrangement with CNDP.

D. Forces républicaines fédéralistes

61. The Group investigated the extent of the presence of foreign nationals, particularly Burundians, within FRF, their seizure in raids of important quantities of weapons and equipment and reports of contacts with individual FARDC officers. Findings related to the ongoing recruitment and use of child soldiers by FRF are presented in paragraphs 131 and 132.

62. FRF is an ethnic Banyamulenge armed group that was created in 1998 to oppose the Rassemblement congolais pour la démocratie (RCD) and has since resisted FARDC deployment in the high plateaux of South Kivu. FRF has at the same time sought Banyamulenge representation by recognizing Minembwe as a territory. The president of FRF is "Colonel" Venant Bisogo,[3] and its chief of staff is "Colonel" Michel Makanika Rukunda.[4] In its final report for 2009 (S/2009/603, paras. 374-376), the Group corroborated reports of at least nine summary executions in 2009 and 14 in 2007 overseen by Major Mitabo (who is now in FARDC) under orders of Colonel Makanika and Colonel Bisogo, respectively.

63. Following an ultimatum issued by FARDC in November 2009, FRF was targeted by FARDC Amani Leo operations in early 2010. In the ensuing clashes, FARDC took control of Kamombo and Mibunda, dislodging FRF to camps in the dense highland forests of Bijabo and Ndobo in the Bijombo *groupement*.

Presence of foreign combatants

64. Multiple well-informed sources, including escapees, agreed that there were about 30 Burundians in FRF in mid-2010. One source reported the presence of Burundian and Rwandan children among those undergoing military training at Lubinganyoni. Many were said to have originally been recruited as cattle herders; the highest-ranking officer among them is a major, according to one ex-combatant. One FARDC officer confirmed official announcements that a Burundian combatant had been captured during operations in Kamombo in February 2010. The Group also received a credible report of the arrival in August 2010 of eight former members of the Burundian armed forces who may be affiliated with the Mouvement social démocrate (MSD), a Burundian opposition party. Further corroborating allegations from sources in Burundi of links between MSD and FRF, on 10 September MONUSCO helped to repatriate seven MSD members who had been captured by Congolese authorities on the Ruzizi plain on their way to join FRF.

Sources of arms and equipment

65. According to reports from Congolese intelligence officials and FARDC officers, FRF is equipped with mortars, rocket launchers, Belgian light automatic rifles, satellite telephones and VHF radios, mainly seized during raids or purchased through private contacts with sympathetic FARDC officers.

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[3] A former FAZ FARDC colonel, once deputy to Jules Mutebutsi and leader of the "Group of 47" who had been involved in attacks on Bukavu in 2004, he fled to Rwanda and escaped arrest after infiltrating the Democratic Republic of the Congo from Burundi in 2005.

[4] Once loyal to General Patrick Masunzu during his resistance to RCD, he led the "Momravia Group" which deserted the predominantly Banyamulenge 112th brigade of FARDC rather than attack the "Group of 47".

66. The Group interviewed eyewitnesses to and participants in two incidents in which FRF seized significant quantities of arms and equipment in raids on Minembwe centre in December 2009 and two sites operated by TransAfrika mining company in May 2010. These cases are illustrative of the continued capacity of smaller armed groups to expose the limitations of security guarantees offered to the population and economic actors by FARDC and MONUSCO in zones they claim to control.

Attack on FARDC special brigade headquarters at Minembwe centre

67. On 9 December 2009, FRF attacked the FARDC 422nd brigade headquarters in Minembwe, which was situated 50 metres from a MONUC military base. According to ex-combatants involved in the attack, the objectives were to kill the commander in revenge for recent operations against FRF and to seize arms and ammunition. At least 10 FARDC soldiers were killed, 2 were taken prisoner and the commander, Colonel Santos, was seriously wounded. Eyewitnesses described a line of 30 people removing ammunition boxes and weapons from the seized FARDC depot in the early morning. FARDC officers informed MONUSCO staff that FRF had seized three heavy weapons, two AK-47s and 2,250 rounds of ammunition. One participant in the raid told the Group that it had gotten 50 boxes of ammunition, 3 rocket-propelled grenades, a machine gun and about 120 AK-47s. Another claimed that it had taken about 80 boxes of ammunition, 15 assault rifles, 3 machine guns and 2 rocket-propelled grenades.

Equipment looted from TransAfrika Resources

68. On 5 May 2010, around 60 FRF combatants looted TransAfrika's gold exploration field camps at Rugezi and Bigaragara, south of Minembwe centre. According to reports seen by the Group and verified through interviews, including with TransAfrika representatives, FRF took over $8,000 and 5,000 South African rand in cash, a broadband global area network satellite data device, 2 satellite telephones, 3 Global Positioning System (GPS) units, 6 VHF handsets, 10 mobile phones, several passports, 3 laptops, 4 cameras, geology equipment and possibly 2 generators. The Group's further findings on this incident are presented in the natural resources section of the present report.

Transfers of weapons and uniforms from FARDC officers

69. The final report of the Group of Experts for 2009 (S/2009/603, para. 233) presented findings of contacts between FRF and former CNDP officers loyal to Laurent Nkunda. The Group has obtained reports from five credible independent sources of a clandestine meeting near Lulambo in late June between FRF commander Colonel Makanika and the deputy commander of FARDC Amani Leo operations in South Kivu, Colonel Sultani Makenga (see S/2009/603, paras. 184, 190 and 366 and annex 124, S/2008/773, paras. 21, 36, 168 and 176, S/2008/772, paras. 25 and 29, and S/2008/43, paras. 54 and 63).

70. According to several eyewitness accounts reported by a credible local source (who was not himself present) and confirmed by a senior military intelligence official, Colonel Makenga concluded the meeting by giving Colonel Makanika 12 AK-47s, at least 1 machine gun, a rocket-propelled grenade launcher and several boxes of ammunition. Two sources with good access to FRF confirmed the handover

of weapons, one alleging that Colonel Makenga had also given FRF an unknown quantity of new VHF radios in April.

71. The Group received reports from several independent sources that FRF continues to purchase weapons and ammunition from sympathetic contacts within FARDC battalions in the high plateaux area. The Congolese authorities have implicated several FARDC officers in similar weapons and ammunition transfers, but the Group has not been able independently to verify those allegations. The Group received credible reports from Congolese officials that on 25 May, an FARDC captain (ex-FRF) was arrested for selling army uniforms to FRF. On 24 July another FARDC captain (ex-CNDP) was arrested by members of the 10th military region for having provided weapons and military uniforms to FRF.

Links to other armed groups

72. The final 2009 report of the Group of Experts (S/2009/603, paras. 47-51) presented findings regarding past links between FRF and FDLR, which are based on long cohabitation and a mutual interest in cattle markets and which may have strengthened in response to pressure from FARDC. Senior Congolese security officials, FARDC officers, community leaders, MONUSCO and United Nations agency staff members and former FDLR combatants informed the Group that FRF remained in contact with FDLR. MONUSCO has reported assertions by FARDC and the local community that a small number of FDLR elements had participated in the attack on Minembwe on 9 December 2009. Various FARDC sources informed MONUSCO that weapons looted by FDLR from an FARDC training centre at Luberizi in November 2009 had subsequently been shared or sold to FRF. Former combatants and sources close to FRF insisted that there was no formal alliance between the two groups, but agreed that they remained in contact and avoided confrontations.

73. Several independent sources, including one in Kampala and one within FPLC, informed the Group that FRF had agreed to join the FPLC coalition, all alleging, without providing further details, that those contacts may have been facilitated by Kayumba Nyamwasa, the dissident former Rwandan general (see para. 164).

Sources of financing

74. FRF continues to finance itself through illegal taxation at roadblocks and voluntary contributions from the community in the high plateaux and in the diaspora. During its visit to Minembwe, the Group was informed of four roadblocks — one of which is within a few hundred metres of the 1,122 FARDC battalion position at Irango — where FRF demands 1,500 to 3,000 Congolese francs per person to pass on market days. The Banyamulenge community and traditional chiefs donate food and cows to FRF, according to local and United Nations sources.

IV. Foreign armed groups

A. Forces démocratiques de libération du Rwanda

Forces combattantes abacunguzi

75. On 17 November 2009, German authorities arrested Ignace Murwanashyaka and Straton Musoni, respectively president and first vice-president of FDLR. The Group's final report for 2009 (S/2009/603, para. 91) presented findings that Murwanashyaka was also supreme commander of the armed wing of FDLR, FOCA, while Musoni was also the president of the FOCA high command, with de facto responsibility for abuses committed by FDLR against Congolese civilians. According to numerous former combatants interviewed by the Group, while those arrests disrupted the political structure of FDLR, their impact on the morale of combatants has not been as significant as expected. Since the launch of military operations against them, former combatants have informed the Group that the rank and file was becoming estranged from the FDLR diaspora leadership, whom they see as living in relative comfort. Meanwhile, field commanders are operating with greater autonomy.

76. Murwanashyaka and Musoni were automatically replaced by their deputies, as foreseen in the FDLR statutes. Second vice-president General Gaston "Rumuli" Iyamuremye became president, leading FDLR from within the eastern part of the Democratic Republic of the Congo. According to a high-ranking former FDLR officer interviewed by the Group in France, FDLR executive secretary Calixte Mbarushimana, who is responsible for external communications, took on the additional role of first vice-president. FDLR officers and a source close to the organization have confirmed that Mbarushimana remained in contact with the FDLR political and military leadership, receiving regular situation reports from the field and reassuring commanders that Murwanashyaka and Musoni would soon be released by the German authorities. Instead, on 11 October, Mbarushimana was himself arrested by French authorities acting on a sealed International Criminal Court warrant dated 28 September 2010.

77. The Group has received from FDLR sources detailed information on the role and composition of regional support networks (see annex 5). The Group is ready to pass on to the host Governments the names of individuals believed to play prominent roles.

Impact of military operations on force strength

78. Following the close of operation Kimia II in December 2009, FARDC announced the launch in January 2010 of operation Amani Leo, with conditional MONUSCO support. While these successive operations have not succeeded in defeating FDLR, they have destabilized the group, notably through prompting continued defections and disrupting access to principal revenue sources.

79. MONUSCO statistics show that military operations, combined with ongoing sensitization campaigns to persuade combatants to surrender, continue to reduce the strength of FOCA. During the first nine months of 2010, the Disarmament, Demobilization, Repatriation, Resettlement and Reintegration Section demobilized 1,206 FDLR combatants, including 744 Rwandans and 462 Congolese, compared to 1,997 in 2009. However, while the monthly average number of demobilized FDLR

combatants dropped from 166 a month in 2009 to 134 in 2010, the average is still more than twice as high as the pre-2009 figure of 50. It should be noted that the rate of demobilization of Congolese combatants from FDLR increased in 2010 from 433 in 2009 to 462 in the first nine months of 2010. This likely reflects more desperate recruiting methods by FDLR (see also paras. 137 and 138). These statistics do not take into account the unknown number of combatants deserting without joining the formal demobilization process.

80. The departures of FOCA combatants were facilitated by the leadership's decision to respond to pressure by dispersing into small units better suited to guerrilla warfare. This tactical choice weakened command and control, presenting opportunities for many to escape.

81. Officers and combatants interviewed by the Group underlined that prior to military operations, many of those repatriated from North Kivu had been involved in economic activities far from their bases. Disoriented by military operations, many opted to repatriate, often leaving their families behind. Equally, many families fled the dangers of operations, prompting associated combatants to join them. However, according to Disarmament, Demobilization, Repatriation, Resettlement and Reintegration Section data, the majority of combatants repatriated were from junior ranks.

82. The Group was informed by former combatants that numerous FDLR deserters, including some senior political cadres and military commanders, sought refuge in neighbouring countries in 2010, including the Congo, Zambia and Uganda (where several have been arrested). Other defectors remained in the territory of the Democratic Republic of the Congo.

Obstacles to disarmament, demobilization, repatriation, reintegration and resettlement

83. It remains difficult and dangerous for FDLR combatants to desert. According to a former FDLR senior officer interviewed by the Group, FDLR commander General Mudacumura (designated by the Committee for targeted sanctions in November 2005) issued a warning in 2009 that those considering leaving the organization could be executed. Military and civilian intelligence units are keeping watch on combatants, their dependants and the Rwandan refugee population. Combatants repatriated to Rwanda have described a situation of mistrust in which "anybody can betray anyone".

84. FARDC operations against FDLR and other armed groups are supposed to make provision for disarmament, demobilization, repatriation, reintegration and resettlement activities, offering a safe channel for surrender and repatriation. However, the Group has received reports of cases in which FDLR combatants were killed in the process of surrendering to FARDC. In one incident, Lieutenant Colonel Jean Marie Vianney Ntahombukiye, alias Milano Igiraneza, the Chief of Planning of the FDLR South Kivu operational sector, was executed on 10 April near Kashele, Mwenga, by FARDC soldiers believed to belong to the 323rd battalion under the command of Colonel Chiviri. According to accounts by credible FARDC and United Nations sources, the FDLR officer, accompanied by his escort, had surrendered to FARDC prior to being killed. Lieutenant Colonel Milano was reportedly carrying a significant quantity of gold, which was presumably taken by his captors. FARDC has promised to investigate this incident.

Box 1

Relocations of Paix et réconciliation to Katanga

The Group verified detailed documents from the Rwandan Demobilization and Reinsertion Commission (RDRC) attesting to the presence of 26 Congolese nationals with no military background among a group of 58 alleged to be FDLR ex-combatants (44) and dependants (14) who were brought to Rwanda at the initiative of Paix et réconciliation (PAREC), a non-governmental organization. In interviews with the media, the president of PAREC, Daniel Ngoy Mulonda, denied that any mistakes had been made regarding the nationality or backgrounds of those "repatriated".

The following summary is based on the Group's interviews with ex-combatant and civilian Rwandan and Congolese nationals who were among those who had been sent to Rwanda by PAREC. Details were cross-checked against PAREC and RDRC documents, records of interviews by MONUSCO staff and other sources to confirm their reliability.

The programme's objective was to extract active FDLR combatants for a relocation programme. PAREC sensitizers enticed many of those repatriated to Rwanda from the Kibumba camp for internally displaced persons, where they presented themselves as envoys of President Kabila, promising a variety of incentives to join the programme, including generous cash stipends, fields in Katanga and even fully equipped houses in Kinshasa. Others were former Congolese combatants who wanted to turn their weapons in for cash and were instead taken by PAREC to Katanga.

Those who told PAREC that they were Congolese were allowed to stay in the programme as long as they could speak Kinyarwanda and pretended to be FDLR. Others did not recall being asked to identify their nationality.

Some 300 people were relocated to Kisenge, Katanga, by PAREC between May and July 2010. On arrival in Katanga, their Congolese identity cards were taken from them. There they were installed in a former UNHCR Angolan refugee camp, managed for PAREC by a former FDLR military police officer. Those interviewed complained that the food was inadequate, there was no medicine and no work. United Nations, including UNHCR, and Red Cross visitors were repeatedly refused access.

The group of 58 sent to Rwanda had fled the Katangan camp and been detained by Congolese police at Kasaji after walking 60 kilometres. The 26 Congolese among them agreed to be sent to Rwanda in the hope of getting home to North Kivu. Although those relocated included a mixture of Congolese and Rwandan civilians and former FDLR, CNDP, FARDC and PARECO combatants, on PAREC documents given to the Rwandan authorities, all 58 were described as "FDLR elements", whether combatants (43) or dependants (15). Bona fide former FDLR combatants were systematically given higher ranks, and even a 3-year-old child was described as a "soldier" (see annex 6). After the Congolese authorities refused to accept them back officially, all of them made their own way across the border to North Kivu.

There is a significant risk that poorly managed relocation initiatives could undermine the confidence of both FDLR and the Government of Rwanda in future relocation (and resettlement) proposals, as agreed upon in the 2007 Nairobi communiqué. The Group conveyed its concerns about the management of PAREC operations at a meeting with presidential security advisers on 13 September. According to a MONUSCO report, in mid-October, another group of 30 men, 12 women and 28 children recently made their way from the camp to Kasaji, complaining of malnutrition and sickness.

The Group of Experts previously described the seizure by MONUC of a cache of weapons in Uvira from a house owned by a senior FARDC officer (S/2009/603, para. 30). PAREC claimed responsibility for the weapons, but the Group found indicators that the weapons were linked to stockpiles still under the control of armed groups. PAREC cash-for-weapons collection programmes continue in North and South Kivu, secured by elements of the Republican Guard. In North Kivu, PAREC claims to have recovered 5,764 light weapons, 31 heavy weapons and 3,584 explosives to date, but this has not been independently verified. PAREC representatives informed the Group that all weapons recovered are handed over to FARDC.

Recruitment

85. According to several FOCA officers interviewed by the Group, the leadership of FOCA has issued orders to make up for the loss of its combatants with new recruitment. MONUSCO statistics indicate a significant number of Congolese combatants within FOCA: of 1,206 combatants joining the disarmament, demobilization, repatriation, reintegration and resettlement programme from January to the end of September 2010, 462 (38 per cent) were Congolese nationals. A particularly high proportion of Congolese combatants in this caseload were under 18, as mentioned in paragraph 137 below.

86. The strategy of FDLR is to resist pressure for as long as it takes to arrive at negotiations. For this, the armed group maintains control of the Rwandan refugee populations in the forests, partly to justify its struggle and partly to maintain cohesion, since combatants would be likely to follow their families if the families returned to Rwanda. This population also serves as an important reservoir for recruitment. A former member of an FDLR commissariat located in the Masisi explained to the Group that General Gaston Iyamuremeye had introduced harsh measures to discourage repatriation in response to operation Umoja Wetu. Yet according to several FDLR officers interviewed by the Group, the number of new recruits is insufficient to fill the gaps left from losses. Furthermore, new recruits lack training and experience, reducing the organization's operational capacity. The Group is wary of calculations of FDLR strength today, but according to a former high-ranking FDLR officer, the total is no more than 3,500.

Contacts with other armed groups

87. According to an FDLR officer interviewed by MONUSCO, the decision to operate jointly with Mai Mai groups and other armed groups hostile to the

Government, including CNDP, was taken in March 2009 by the FDLR Executive Committee. Each battalion was given the liberty to develop cooperation with other armed groups in their zones. Cooperation could extend to conducting joint operations and providing the groups with weapons. This decision was made as a force multiplier for FDLR and an attempt to increase pressure on the Government to abandon military operations against them. Congolese armed groups with which FDLR has collaborated include APCLS, FPLC, FRF, FNL, RUD, Mai Mai Yakutumba, Sheka and PARECO. The provision of FDLR support may contribute to the proliferation and heightened confidence of armed groups in the Kivus.

88. According to credible sources in Masisi, Goma and Kigali, FDLR may be considering joining a new Rwandan opposition political formation. According to a document obtained by the Group, a meeting was held on 12 October 2010 in Kibua to decide who would represent FDLR during a forthcoming meeting in Southern Africa. The document, which is held in the Group's archives, shows a proposal to create an opposition government of 30 seats, of which FDLR would have 15.

Impact of military operations on finances

89. Military operations against FDLR have disrupted its control over a number of economic activities. The access of FDLR to mines has been blocked or at least complicated by the presence of FARDC and in many cases by the flight of civilian labourers. The armed group's trade in timber and charcoal requires the use of roads controlled by FARDC, so that even if intermediaries are involved, goods can be confiscated and profit margins are minimal. Furthermore, the remaining income from economic activities has fewer chances of reaching higher echelons than before; FDLR units are increasingly forced to survive independently rather than working together. However, the Group does not doubt the organization's ability to recover and re-establish its territorial control and revenue base if military pressure by FARDC subsides.

90. The Group understands that FDLR liaison units formerly located in Kasuo (North Kivu) and Sange, Kisanya and Kingizi (South Kivu) have been pushed out of their respective areas by the pressure of military operations. These "antennae", located close to the Ugandan, Burundian and Tanzanian borders, had played a major role in the provision of logistical support to FDLR. However, there is evidence that those units have moved westward to the neighbouring provinces of Katanga and Maniema. According to MONUSCO reports and a former FDLR officer interviewed by the Group, a group of 30 formerly deployed at Kingizi and led by Captain Franklin Habimana have moved to the Mitumba mountains, 80 kilometres south-east of Bendera, northern Katanga, where they have established contacts with local Mai Mai groups and carried out attacks against FARDC and the local population. Another, larger group has reportedly moved from the Kisanya to eastern Maniema Province.

Abductions

91. FDLR appears to have increased abductions and hostage-taking in 2010. This is in part a continuation of the strategy of reprisals, but it is also economically motivated: the majority of abductions take place in the context of looting incidents, and ransom demands are becoming more frequent.

Summary executions

92. A senior officer provided the Group with descriptions of the summary execution of 10 FOCA cadres and combatants between 2001 and the end of 2009, all on the orders of the FOCA high command. Most of the executions have been corroborated by multiple sources. In the most recent case, General Mudacumura reportedly ordered the execution of Major Jean de Dieu Habimana, alias Aborogaste Carlos,[5] in late 2009. Officially, Habimana was accused of wanting to join his wife in Zambia, but in reality he had refused orders to commit reprisal attacks in Lubanga, near Lemera.[6] Former FDLR officers explained that Ignace Murwanashyaka and Mudacumura were systematically informed of decisions to execute officers or more junior soldiers, respectively.

Arms

93. Information received by the Group suggests that many of the weapons used by FDLR are in poor condition. Their origins are reported to be as follows:

(a) Stockpiles from the former Rwandan armed forces;

(b) Deliveries by the Mobutu Government and allies (1996);

(c) Deliveries by Laurent-Désiré Kabila's Government and allies (1998-2002);

(d) Purchased or exchanged with the Congolese armed forces (from 2002);

(e) Taken in combat during the war with the Armée patriotique rwandaise/Rwandan Defence Forces (RDF) and CNDP;

(f) Taken in combat during the war with FARDC (after the start of the 2009 Umoja Wetu operation);

(g) External sources (marginal).

Former combatants informed the Group that, owing to a lack of calibre standardization, some weapons had been abandoned.

94. Three former senior FDLR officers informed the Group of the existence of a SAM-7 Strela surface-to-air missile system, with three missiles at FDLR headquarters in Ntoto. The Armée pour la libération du Rwanda, the predecessor of FDLR, seized the missile system during a battle in 1998 against RCD on Mount Ngoma. The Group considers it unlikely that the system has remained functional.

95. The Group of Experts has also learned that FDLR possesses Zimbabwean Z1 anti-personnel mines, pressure mines of indeterminate origin and thermobaric ammunition of the RPO-A "Shmell" type.

96. In September 2010, at the invitation of the Rwandan authorities, the Group interviewed two former FOCA battalion commanders who were in detention in Kigali central prison. Both alleged that they had been in contact with Rwandan opposition politicians. The Group intends to follow up on the matter.

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[5] Assistant to the operations officer of the South Kivu operational sector.

[6] In 2008, Mudacumura ordered the execution of Major Emmabuel Munyandarutya, alias Mitsi, who was suspected of wanting to return to Rwanda. The other cases are in the United Nations archives.

Ralliement pour l'unité et la démocratie-Urunana

97. RUD-Urunana is a small group of between 200 and 250 elements, founded by its current president, Jean Marie Vianney Higiro, and executive secretary, Félicien Kanyamibwa, who moved to the United States following a split in the FDLR leadership in 2004. According to several former cadres and combatants interviewed by the Group, Kanyamibwa is in charge of the coordination of international and field operations. The armed wing of RUD-Urunana has been led since 2006 by "Brigadier General" Damascène "Musare" Ndibabaje, a former FDLR brigade commander. The RUD headquarters is in Mashuta, with units deployed in Ruhanga, Binza and Kanyatsi (see annex 7).

Summary executions

98. The Group has received reports of five cases of summary executions of RUD combatants since January 2009. In the most recent case, on 12 February 2010, Captain "Sepela" was executed at RUD headquarters after having been condemned to death by a tribunal led by Musare.

Box 2

Obstruction of disarmament, demobilization, repatriation, reintegration and resettlement

The Group investigated an incident that occurred on 7 February 2009 involving 158 RUD combatants and family members who disappeared overnight, having gathered at a camp near Kasiki for several months while deciding whether to enter a relocation programme within the Democratic Republic of the Congo or be repatriated to Rwanda. In a public statement, Félicien Kanyamibwa accused RDF and FARDC troops of attacking the camp with the intention of massacring the occupants (see annex 8). According to MONUSCO documents and former RUD officers who were in Kasiki, the majority of those gathered had expressed a wish to return to Rwanda (see annex 9), but Kanyamibwa had ordered RUD Brigadier General Musare to evacuate the camp.

99. Former RUD combatants have informed the Group that morale is low at all levels of RUD. Debriefings by the Group suggest that RUD is unable to recruit enough personnel to keep pace with desertions.

100. The Group received information from several former combatants indicating close links between RUD and PARECO Lafontaine, including joint training and operations. A former combatant confirmed to the Group information received by MONUSCO that several Mai Mai leaders had met a RUD commander and FPLC combatants in Bunyatenge, west of Alimbongo, between 10 and 14 September 2010.

Contacts between the Ralliement pour l'unité et la démocratie and the Forces combattantes Abacunguzi

101. Several RUD officers told the Group of a tacit agreement between General Musare and Colonel Védaste Hatungumeremyi, alias Esdras or Kaleb, commander

of the 3rd battalion of FOCA, Sabena, for mutual support between RUD and FOCA since the launch of operation Umoja Wetu.

102. The Group has received numerous credible reports of contacts aiming to reunite FDLR-FOCA and RUD-Urunana initiated by Kanyamibwa, who is based in New Jersey. His brother, Emmanuel Munyaruguru, who is the RUD representative in Norway, was chosen to mediate between the parties. A former FOCA combatant close to "Colonel" "Kalume" Nzabamwita, commander of the reserve brigade, confirmed that FOCA-RUD reconciliation was the main topic of a week-long meeting of commanding officers held in April 2010.

B. Lord's Resistance Army

103. After the launch of Operation Lightning Thunder by UPDF on 14 December 2008, Joseph Kony and much of the LRA leadership moved away from Garamba National Park and sought refuge in the eastern part of the Central African Republic. According to regional analysts, UPDF sources and the Group's debriefings of ex-combatants, in July 2009, in response to pressure from UPDF, Kony issued orders to all LRA remnants to join him in the eastern area of the Central African Republic with the intention of proceeding to Darfur, in the Sudan. While several groups of LRA remain in the north-eastern area of the Democratic Republic of the Congo (north of the line from Niangara to Dungu) and parts of the eastern region of the Central African Republic, most appear to have moved to or near Southern Darfur, where several clashes with local self-defence forces and Darfurian armed groups, including the Liberation and Justice Movement, have been reported by media and confirmed by Ugandan and United States military sources.

104. LRA continues to use atrocities, including mutilation, to discourage informers and continues to abduct children as combatants and sex slaves.[7] According to the Office for the Coordination of Humanitarian Affairs, LRA killed 233 persons and abducted 279 in the Democratic Republic of the Congo between January and September 2010. This represents a significant reduction from 2009 figures (1,098 civilians killed and 1,624 abducted). The reduction is likely due, however, to the movement of many of their cadres to the eastern part of the Central African Republic and Southern Sudan. In total, LRA rebels are reported to have killed at least 2,000 people and forced 400,000 to flee in three countries since December 2008. An estimated 268,000 people remain displaced in Orientale Province in the north-eastern area of the Democratic Republic of the Congo, over 120,000 in Western Equatoria in Southern Sudan and 30,000 in the south-eastern area of the Central African Republic.

Presence in Southern Darfur

105. The Group notes the risks presented by the LRA movement into Southern Darfur, an area that is currently inaccessible not only to the joint military operations of forces from the region but also to international organizations.

106. The Group sought to verify reports from MONUSCO and the Ugandan authorities of contacts between an LRA delegation and Sudanese armed forces

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[7] The MONUSCO Child Protection Section documented 184 cases of children abducted by LRA in Orientale Province from January to September 2010, including 93 girls.

officers on the Central African Republic/Sudan border in October 2010. According to two eyewitnesses interviewed by the Group, the purpose of the LRA mission was to re-establish relations with the Sudanese authorities and to request assistance, including safe passage and political asylum for Joseph Kony. This mission, led by Kony's chief bodyguard, Otto Agweny, reached the Sudanese military base at Am Dafok (near the Central African Republic/Sudan border) on 4 October, staying in the area until 9 October. In Am Dafok the group met with Sudanese armed forces commanders, including a Lieutenant Colonel who presented himself as an intelligence officer from Khartoum and an officer who presented himself as the Sudanese armed forces commander of the western region.

107. The Group understands that this meeting was the result of an initiative of LRA and not the Sudanese authorities. According to the eyewitnesses, no decision was reached, but the Sudanese armed forces reportedly provided the LRA delegation with their mobile and satellite phone numbers to facilitate future contacts with Kony. The Group requested information from the Sudanese authorities on the content of this meeting, but has not received a reply to its letter of 23 July. The Group will continue to seek the assistance of Member States to investigate individuals who may be supporting LRA from other countries.

C. Allied Democratic Forces

108. On 26 June 2010, FARDC launched "Operation Ruwenzori" against ADF, an Islamist Ugandan-led armed group that has been operating in the border areas of the northern part of North Kivu and southern Ituri since the late 1990s. The stated political agenda of ADF is to install an Islamic government in Uganda. ADF received military support from the Sudan in 1999 and 2000. Since the last military operations conducted against it by FARDC and MONUC in December 2005, ADF appears to have regrouped. Prior to 2005, most ADF combatants appear to have been Congolese; since then the organization began to favour the recruitment of Ugandan combatants.

109. The military structure of ADF is presented in annex 10. The head of the organization continues to be Jamil Mukulu, a Muslim cleric who is based in London. The Group interviewed two senior ADF commanders who had recently defected who stated that only a small number of Ugandan combatants are privy to the strategy of ADF and all major decisions require the authorization of Mukulu, who also receives regular situation reports from the field. After FARDC operations began, Mukulu visited the eastern part of the Democratic Republic of the Congo to boost morale and take charge of ADF defences.

110. In 2010, there were unconfirmed reports of sightings of helicopters in ADF-controlled territory (see para. 288).

Foreign trainers

111. A former ADF commander, two ex-combatants and United Nations sources informed the Group that ADF had established training bases on the perimeter of its main headquarters in Nadui, east of Eringeti, Beni territory, where foreign trainers had conducted sessions on urban warfare and terrorist tactics since 2006. The ADF commander described two training sessions given at Mwalika camp by Pakistani trainers in 2009 and two Moroccan trainers in 2010. The Group corroborated with

the Agence nationale de renseignements (ANR) in Butalingwa the names of the two Moroccan trainers.

Financing

112. During the Group's 2009 mandate, the Ugandan authorities provided credible information on financial support sent to ADF from Ugandans based in the United Kingdom and Kenya. In 2010, two senior ADF former combatants informed the Group that ADF received money from Mukulu in London by means of Western Union transfers to Beni and Butembo. Congolese military intelligence officers later informed the Group that they had arrested a number of people who they said were receiving the money transfers on behalf of ADF. Unfortunately, the Group was not given access to interview the principal suspect. FARDC provided copies of documents recording more than 100 Western Union money transfers allegedly destined for ADF or its intermediaries (see annex 11), but the Group has not received responses to its subsequent enquiries to the Kinshasa-based Banque internationale pour l'Afrique au Congo, which oversees Western Union offices in the Democratic Republic of the Congo.

D. Forces nationales de libération

113. During its mandate, the Group has followed closely the remobilization of the Burundian rebel group, FNL. Led by Agathon Rwasa, FNL combatants were either integrated into the Burundian security services or were demobilized in mid-2009. Rwasa was to have been one of the main candidates in the 2010 presidential elections in Burundi, but withdrew from the contest citing concerns over fraud, after FNL and other opposition parties were heavily defeated by the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie party of Pierre Nkurunziza, in local elections held on 24 May. In early July, Rwasa disappeared from Bujumbura.

114. According to multiple credible sources in Uvira, Rwasa crossed into the Democratic Republic of the Congo north of Kavimvira with the support of Colonel Baudoin Nakabaka (deputy commander of the 10th military region of FARDC) (see S/2009/603, paras. 25-27, 29-31, 33, 39, 70, 73, 80, 150, 159 and annexes 14, 50 and 51). According to Congolese intelligence and several local sources, Rwasa was subsequently transported to Bukavu by Nakabaka and stayed with the commander of the 10th military region of FARDC, General Patrick Masunzu (see S/2009/603, paras. 25, 29, 48, 53, 158 and 159). The Group met eyewitnesses who confirmed Rwasa's subsequent presence in Mwenga, where, according to Congolese intelligence services, he met FDLR representatives to form an alliance. According to diplomatic sources in the region, FDLR and Nakabaka have promised to provide financial backing for FNL.

115. Since Rwasa's departure from Burundi, FNL has reportedly mobilized an estimated 700 of its most experienced combatants within the Democratic Republic of the Congo alone. According to diplomatic sources and former members of FNL, as at September 2010 there were more than 400 combatants based in the high plateaux of Minembwe, more than 200 in Kiliba, north of the Burundi border, another 100 north of Sange in the Ruzizi plain and an unknown number in Fizi territory. According to the same sources, those forces are led by Antoine "Shuti"

Baranyanka, the former chief military commander of FNL. Instead of being integrated into the Burundian army with the rank of lieutenant general, Baranyanka opted to be demobilized in what analysts considered a "reserve option" for Rwasa in case of an adverse result in the Burundian elections (see annex 12).

116. In addition to its alliance with FDLR, FNL has also reportedly joined forces with the Mai Mai Yakutumba of the Bembe community in Fizi territory. According to MONUSCO and diplomatic sources, FNL has benefited from FDLR and Mai Mai Yakutumba's strategic access to ports commonly used for smuggling across Lake Tanganyika. The Group has learned that, as a result, Rwasa himself has been able to make frequent trips between the eastern part of the Democratic Republic of the Congo and Kigoma and Dar es Salaam in the United Republic of Tanzania. The Group also obtained documents of ongoing investigations concerning the disappearance of weapons within the FARDC Zone 4 headquarters, commanded by Colonel Bernard Byamungu (see S/2009/603, annex 124). According to FARDC sources, those weapons could have been supplied to FNL.

117. Eyewitnesses to FNL recruitment activities along the Burundi/Democratic Republic of the Congo border informed the Group that FNL was offering 80,000 Burundian francs to new recruits but selecting only those with previous combat experience. This is likely to include sympathizers who have deserted the ranks of the Burundian security services; the Group has confirmed 20 such cases through interviews with FNL defectors. Burundian authorities have attempted to arrest potential candidates crossing into the Democratic Republic of the Congo. The highest-ranking officer from the Burundian army to join FNL in the eastern part of the Democratic Republic of the Congo was Major Nzabampema who, according to Burundian intelligence services, survived an ambush en route to joining "Shuti" at Kiliba.

118. In addition, according to sources in the Burundian police and intelligence services, FNL has benefited from the support of Burundian businessmen. Former members of FNL informed the Group that some of the businessmen had provided "Shuti" with over $30,000 in order to begin his recruitment. According to those same sources, when the FNL leadership was negotiating with representatives of the Burundian Government in the United Republic of Tanzania in 2008, one of those businessmen proposed to Rwasa that FNL attack Bujumbura, during which operation he promised to deliver support from soldiers in the Burundian army.

119. In his public statements, Rwasa has explicitly denied that he was involved in a new armed rebellion. However, numerous credible sources informed the Group that Rwasa had made statements to his supporters that this new war would be a "holy war" and would transcend ethnicity. Meanwhile, members of other opposition political parties have also joined the ranks of FNL, including some members of MSD, which commands a strong following among the country's urban Tutsi youth. While not significant in numbers, FNL does receive some support from its fellow opposition party, the Union for Peace and Development (UPD), led by Hussein Rajabu, who is imprisoned. According to Burundian authorities, a UPD leader by the name of Jean-Petit has joined Rwasa's new rebellion. According to former FNL sources, Rwasa is exploring ways to finance his movement through involvement in the gold trade.

V. Information relevant to the Sanctions Committee's designation of individuals referred to in subparagraphs (d), (e) and (f) of paragraph 4 of resolution 1857 (2008)

120. In resolution 1896 (2009), the Security Council expressed its great concern at the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of a significant number of civilians, the recruitment and use of child soldiers and widespread sexual violence. Stressing that the perpetrators of violations of international human rights and humanitarian law must be brought to justice, the Council emphasized the primary responsibility of the Government of the Democratic Republic of the Congo and the need to fight impunity. The Council has also reiterated its readiness to consider the case for targeted sanctions against perpetrators.

A. Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflict in violation of international law

121. Nearly every foreign-led and Congolese armed group in the eastern part of the Democratic Republic of the Congo, from the largest (FOCA) to the smallest ethnic and territorial Mai Mai, or "self-defence" groups, continues to rely on the recruitment of children to bolster their ranks. LRA has long been reliant on the abduction and indoctrination of children. Between January and September 2010, the MONUSCO Child Protection Section documented the release of 1,264 children from armed groups in the Democratic Republic of the Congo. In the same period, the MONUSCO Disarmament, Demobilization, Repatriation, Reintegration and Resettlement Section repatriated 60 children formerly associated with armed groups, including FDLR (32), CNDP (13), LRA (7), Mai Mai PARECO (6) and FARDC (2). All but seven of those children were Rwandan. In the same period, the Section received and transferred to the Congolese authorities 664 Congolese children formerly associated with FDLR (335), Mai Mai PARECO (237), CNDP (50), APCLS (39) and ADF (3). A further 57 were from FARDC.

122. The final report of the Group of Experts for 2009 (S/2009/603) noted that a significant number of children who had previously been recruited into armed groups were brought into the new FARDC structures during the integration process that preceded the joint Congolese-Rwandan Umoja Wetu operation against FDLR. Since then, separation efforts have had mixed success; while some FARDC commanders have cooperated, others have hidden children or even continued to recruit children, including some of those who had previously been separated.[8] The MONUSCO Child Protection Section documented the release of 353 children from FARDC from January to September 2010; 103 of them had been recruited in 2010, and only 5 were formally released during screening. The Group remains concerned that child protection officers have not been given access to physically screen nearly two thirds

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[8] For 2009, the MONUSCO Child Protection Section documented 686 cases of children recruited by FARDC versus 631 released.

of the FARDC combatants involved in joint military operations supported by the United Nations to ensure that no children take part.[9]

123. Owing to past advocacy, training and widespread coverage of the International Criminal Court's prosecution of former Union des patriotes congolais militia leader Thomas Lubanga, commanders are generally aware that recruiting and using children is against national and international law, but many appear to remain confident that they are beyond the reach of those laws. Very few are aware that such crimes are also criteria for targeted sanctions imposed by the Committee. A frequently cited example of the gap between policy and practice is Lieutenant Colonel Jean-Pierre Biyoyo, who holds the position of commander of Amani Leo's 31st Sector (in Walungu, South Kivu), having escaped prison after his landmark conviction in 2006 for recruiting child soldiers.

124. While child protection organizations are engaged in efforts to separate children from FARDC, recent efforts to sensitize armed groups and communities on the issue have been modest (relative, for example, to equivalent efforts to reduce sexual violence), and children leaving armed groups remain highly vulnerable to re-recruitment. The Group identified numerous children in urban centres of North Kivu who had fled a cross-section of armed groups but had chosen to avoid child protection and "reinsertion" programmes. The Group identified 74 such cases in two outlying districts of Goma alone. Many of those interviewed by the Group said they considered that such programmes were inefficient and not well suited to their needs, notably for anonymity and self-reliance.

125. The Group researched a small number of case studies involving direct and command responsibility for the recruitment and use of children in violation of applicable international law, which are summarized below.

Colonel Gwigwi Busogi (Forces armées de la République démocratique du Congo)

126. Colonel Gwigwi Busogi, a former commander of one of the two PARECO battalions in South Kivu, commanded the 24th Sector of FARDC in Kalehe, South Kivu, for most of the reporting period. He was recently redeployed, however, as deputy commander of the 4th operational zone in Uvira. Colonel Gwigwi was one of several operational FARDC officers cited in the 2009 report of the Group of Experts (S/2009/603, annex 124) as having an established record of human rights abuses including, in his case, direct and command responsibility for child recruitment and for maintaining children within troops under his command. The 24th Sector is dominated by recently integrated former PARECO elements and is known within FARDC as an "independent sector", officially because it reports to Amani Leo coordination in South Kivu and not to FARDC Zone 2. Colonel Gwigwi appears to enjoy immunity according to local Congolese intelligence officials and United Nations sources, citing as an example his release after troops under his command allegedly killed a primary school teacher in May 2009.

127. The Group cross-checked reports received from multiple credible United Nations, non-governmental organization (NGO), FARDC and eyewitness sources concerning Gwigwi's continued use of children and obstruction of separation efforts. Between May and August, the MONUSCO Child Protection Section

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[9] Since the outset of Amani Leo operations, only one FARDC battalion has been fully screened by the MONUSCO Child Protection Section.

documented a further 15 cases of children who had been used as soldiers by senior officers under Gwigwi's command.

128. The Group interviewed two eyewitnesses who gave details of four children among Gwigwi's personal guard and described systematic efforts by Gwigwi and his commanders to hide child soldiers and otherwise obstruct verification and separation efforts. One eyewitness mentioned a specific incident in Nyabibwe in May 2010, details of which the Group was able to verify with the child protection worker who had visited and seen three children in uniform being ordered to run away.

129. On 25 August, however, a 16-year-old boy was separated from the FARDC 24th Sector headquarters in Minova. A witness directly verified for the Group the presence of three escorts of Colonel Gwigwi, aged 15 and 16 years. An ex-combatant previously under Colonel Gwigwi's command informed the Group that Gwigwi was aware of the presence of at least 20 children working for different 24th Sector brigade and battalion commanders.

130. Those children who manage to escape risk punishment for desertion and re-recruitment. MONUSCO recently alerted Colonel Delphin Kahimbi, FARDC commander of Amani Leo in South Kivu, about two documented cases of boys who had been recruited and re-recruited by a captain in battalion 2,411, the sector commanded at that time by Gwigwi.

Colonel Venant Bisogo and Colonel Michel Makanika Rukunda, Forces republicaines federalistes

131. The Group investigated the reported presence of numerous child soldiers within FRF, including from within the ranks of the personal escorts of its leaders, Colonel Venant Bisogo and Colonel Michel Makanika Rukunda (see paras. 61-74). In interviews with community leaders, Government officials, FARDC officers and MONUSCO staff conducted during visits to Minembwe, Uvira and Bukavu, the Group received consistent reports of the presence of large numbers of children within FRF. As elsewhere, Mai Mai groups in the high plateaux, notably Mai Mai Aochi and Mai Mai Kapopo, also continue to recruit a large number of children from their respective communities.

132. A credible local organization provided the Group with the names of 40 children reportedly recruited by FRF since 2005. Twelve of the names on the list were recognized when shown by the Group to recent deserters. The Group sought to verify reports that the recruitment of children and military training continued in 2010. Escapees interviewed by the Group and by MONUSCO staff claimed that as many as 80 children were undergoing training in June and July. Consistent with this, a credible eyewitness from FRF-controlled areas reported to the Group that there were 75 children among a group of 127 people who had been recruited since May 2010 for training beginning in June in Ndobo forest. The same source reported that 45 children were present at Rubinganyoni hill and Ndobo forest in August 2010. Several sources, including a recent deserter and United Nations sources, informed the Group that Bisogo, Makanika and other FRF commanders use children as personal escorts and among their domestic workers. The MONUSCO Child Protection Section has documented evidence that Bisogo himself was directly responsible for child recruitment in late 2009.

Kirikicho Mirimba Mwanamayi (Mai Mai Kirikicho)

133. Mai Mai Kirikicho is a predominantly ethnic Tembo militia based in the forests of Ziralo *groupement* (Kalehe territory, South Kivu), but is also active in Walowa-Luanda *groupement* (Walikale territory, North Kivu). The militia's leader, once a member of "General" Bulenda Padiri's anti-RCD Mai Mai coalition, has refused several opportunities to join FARDC.[10] According to local sources, Kirikicho controls or taxes gold, cassiterite and coltan mining sites, including Tushunguti, Myanda, Bukiri, Charamba and Fangere, as well as taxing local markets and the road from Nyabibwe to Ziralo and collecting food from local chiefs.

134. Corroborating reports from non-governmental organizations, the Group has obtained detailed, first-hand testimony from former combatants describing Kirikicho's personal involvement in the recruitment of children in 2009 and 2010. According to the same sources, Kirikicho and the commanders reporting to him habitually include children in their personal guards, including up to 10 children in Kirikicho's guard as recently as June 2010. The Group estimates that at least half of Kirikicho's group, and well over half of new recruits, are under 18 years of age, although estimates of the total vary since many of his elements have joined Mai Mai Kifuafua (which Kirikicho helped to found). The MONUSCO Child Protection Section has documented five cases of children formerly associated with Mai Mai Kirikicho, including two who were recruited in 2009.

Colonel Innocent Zimurinda (Forces armées de la République démocratique du Congo)

135. Over the course of the Group's mandate, Colonel Innocent Zimurinda has been the commander of the 23rd Sector, based in Ngungu, and since April 2010 the commander of the 22nd Sector, based in Kitchanga. A previous Group of Experts witnessed Colonel Zimurinda's refusal to allow three verified children to be released from under his command in Kalehe territory (as well as identifying his command responsibility for the mass killing of civilians at Shalio in April 2009) (see S/2009/603, paras. 322 and 364).

136. The Group sought to verify reports of a wave of recruitment in the Kitchanga area from mid-2010. The MONUSCO Child Protection Section documented two cases of child recruitment by officers reporting to Colonel Zimurinda in August and September. The Group interviewed a credible local source who described seeing two groups of children carrying weapons and wearing FARDC uniforms in Kitchanga in early October. He talked to one of the groups, discovering that five members spoke only Kinyarwanda, not Swahili, indicating that they had not grown up in the Democratic Republic of the Congo; a sixth said that he was 15 years old and had been recruited in June 2010 by troops commanded by Colonel Zimurinda.

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[10] According to MONUSCO records, Kirikicho refused an opportunity to join FARDC as a major in 2003. Another integration offer fell through when Kirikicho decided to remobilize to join the coalition against CNDP in 2007. Kirikicho was a signatory to the Goma Agreement in January 2008, but continued to refuse to join FARDC.

Recruitment of children by the Forces démocratiques de libération du Rwanda

137. MONUSCO statistics indicate a striking increase in FDLR recruitment of Congolese combatants, a majority of whom are children. Of 462 Congolese combatants participating in the disarmament, demobilization, repatriation, reintegration and resettlement programme in 2010, 335, or 72.5 per cent, were children, compared to only 32 children among 743 Rwandan combatants, or 4.3 per cent. Although orders were given by the FDLR leadership in 2005 forbidding the recruitment of children, a former FDLR battalion commander informed the Group that FOCA units were now authorized to recruit in their operational zones, often targeting children aged 16 to 18. According to other former FDLR combatants, some commanders try to protect their own children from recruitment by sending them elsewhere to study.

138. From interviews with children in Goma and Rwanda who were formerly associated with FDLR, the Group confirmed the continued presence of boys and girls in many FDLR units, notably the 4th Bahamas battalion in North Kivu and the South Kivu headquarters of FDLR. Some receive military training before joining combat units; others work as domestic helpers or porters. A cadre from FDLR headquarters informed the Group that 580 new recruits, including children, had received two months' training in Mukoberwa and Maniema, North Kivu, in September and October 2009. According to another ex-combatant, 120 new recruits, including children, joined the 3rd Sabena battalion in January 2010.

B. Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement

Serious violations of international humanitarian law by FDLR and LRA

139. Women and children are among the victims of armed attacks on civilian populations, which usually involve a combination of serious violations of international humanitarian law. Among the most commonly reported types of incidents are attacks on villages in which houses are burned and the population, including women and children, is forced to help assailants carry away looted goods. Burning houses inflicts collective suffering on the civilian population and usually leads to displacement. Forced labour in such circumstances usually involves abduction and often leads to the recruitment of children and sexual violence.

140. According to United Nations reports in the Group's archives, FDLR was responsible for five such incidents in just one four-day period from 8 to 11 February 2010:

(a) On 8 February, 27 civilians were abducted during the looting of Lulingu, Shabunda territory, South Kivu;

(b) Also on 8 February, 50 civilians, including 10 women, were abducted and more than 100 houses were burned during an attack on a mine at Nkumwa, north-east of Kindu in Maniema Province, in which FDLR reportedly used forced labour to remove about 1 ton of cassiterite;[11]

(c) On 9 February, more than 100 houses were burned in an attack on Rubuga, near Lemera in South Kivu;

(d) On 11 February, 5 women were killed from a group of 15 women who were robbed and abducted on their way to Mulombozi market in Mwenga, South Kivu.

141. For some armed groups, notably LRA and FDLR, attacks on civilians may also serve the strategic purpose of discouraging international as well as local support for operations against them. The Group's final report for 2009 (S/2009/603, paras. 345-356) found that FDLR had adopted such a policy. In this respect, a wave of attacks on civilian targets in November and December 2009 was interpreted by some observers as a signal of FDLR resistance in the context of the evaluation of Kimia II operations. On 6 December 2009, in one of the worst attacks of that period, 9 civilians were executed, several villages were looted and a clinic and a primary school were razed in the area of Kalole, Shabunda. According to the Office for the Coordination of Humanitarian Affairs, another wave of attacks on villages in Shabunda displaced about 11,000 civilians in August 2010.

142. In South Kivu, protection monitors have observed a marked upward trend in hostage-taking for cash ransom and ambushes of civilian vehicles, which, on the basis of ex-combatant debriefings, interviews with Congolese intelligence officers, protection reports and United Nations reports, the Group attributes to FDLR units seeking alternative sources of income and exacting reprisals on former commercial partners.

143. In Orientale Province, LRA continued to abduct and kill civilians in frequent small incidents and committed a number of mass atrocities, the most extreme example of which involved 25 to 30 LRA elements led by "Lieutenant Colonel" Binansio Okumu and "Obol", who attacked seven villages in the Makombo area of Niangara, Haut Uele, from 14 to 17 December 2009, killing at least 300 civilians and abducting 150 to 250, including 30 to 80 children, according to subsequent investigations by non-governmental organizations and the United Nations. "Obol" reports to Dominic Ongwen, for whom the International Criminal Court issued an arrest warrant in 2005.

Indications of command responsibility for the mass rape in the Ihana groupement*, Walikale, 30 July to 2 August 2010*

144. The Group of Experts is aware of various ongoing national and international investigations into the rape of at least 303 civilians during the looting of 13 villages between Mpofi and Kibua in Walikale during that period. Owing to its much broader mandate and limited resources, the Group chose not to duplicate the work of the dedicated investigation teams, but rather to continue to research the links between armed groups and the illegal exploitation of natural resources in Walikale territory.

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[11] On 7 September 2010, in another attack attributed to FDLR in Maniema, a civilian was killed and 153 were abducted and forced to carry goods from a mining village 40 kilometres south-east of Kasese to Kumoi forest.

145. It has already been established that the above-mentioned attacks were perpetrated by a coalition of Mai Mai Sheka and FDLR elements from the Montana battalion.[12] Mai Mai Sheka is also supported by Emmanuel Nsengiyumva, a deserter from FARDC who leads his own smaller group and is linked to FPLC (see paras. 50-60). Without prejudice to the conclusions of ongoing investigations, the Group considers the following elements to be relevant to the identification of those who share command responsibility for those violations.

146. From debriefings of FDLR and Mai Mai Sheka ex-combatants and from reports of other attacks perpetrated by the same coalition, there are signs of a pattern to their joint operations:

(a) Decisions about the targeting and planning of looting operations have been taken jointly by all three commanders, who then give orders to their own combatants. Operational command is rotated among officers from each of the three groups;

(b) While they agree on the tactical objectives of the operation (e.g., looting), each group retains its own strategic agenda (e.g., to target commercial competitors, to influence or disrupt FARDC deployments, to create insecurity to block refugee returns or to garner international attention for political ends); these different agendas influence the behaviour of each group's combatants during the operation;

(c) Loot is divided equally among the three groups, which report back with a share for their respective commanders;

(d) Sheka is reported to have had no military experience prior to June 2009. Although there are a number of former Mai Mai and FARDC deserters in his group, Mai Mai Sheka would have little military capacity without the support of combatants from the FDLR Montana battalion and former CNDP elements loyal to Emmanuel. However, as an ethnic Nyanga with extensive local contacts (including among serving FARDC soldiers and deserters) and experience in the mining business, Sheka appears to play a prominent role in the identification of targets for looting through a network of local informers;

(e) Smaller-scale attacks attributed to the same coalition in 2010 have also involved rape (probably significantly underreported), abductions, forced labour and looting; for example:

(i) On 26 May 2010, at least 3 women were raped during an attack on Rwenga;

(ii) On 27 May, at least 2 women were raped during an attack on Birua;

(iii) On 13 June, at least 12 people were raped, including two minors, during an attack on Osokari in which 8 people were abducted;

(iv) On 16 and 24 August, Mubi was looted and 50 to 100 civilians were abducted to carry the loot;

(f) Officers confirmed as being present during the looting and mass rape from 30 July to 2 August were Sadoke Kidunda Mayele, Sheka's Chief of Staff, who was arrested on 6 September 2010, and "Captain" Seraphin Lionso[13] from the FDLR Montana battalion:

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[12] See http://monusco.unmissions.org/Default.aspx?tabid=4135.

(i) Sheka has claimed to the Group that Mayele had deserted before the attacks. However, in an interview by the Group after his arrest on 5 October, Mayele described planning meetings at which Sheka was present, saying that he had returned to Sheka's headquarters after the operation along with other combatants;

(ii) Mai Mai commanders and ex-combatants have informed the Group that Lionso's commando unit had been deployed by "Lieutenant Colonel" Evariste "Sadiki" Kwanzeguhera, commander of the FDLR Montana battalion, to assist Sheka in conducting looting operations. According to former FDLR combatants, Seraphin continues to report directly to Sadiki, who claims to exercise control over the coalition;

(iii) Combatants belonging to Emmanuel Nsengiyumva's group are likely to take orders only from him, given the novelty of this collaboration between former CNDP elements and their former enemies;

(g) The Group notes Sheka's past links to contacts in the minerals business, as well as FARDC officers (see paras. 36-42), who may have exerted influence over operational decisions during the time of the mass rape.

C. Individuals obstructing access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo

147. According to the Office for the Coordination of Humanitarian Affairs, humanitarian workers in the eastern part of the Democratic Republic of the Congo continue to be victims of armed robbery, looting and other violent security incidents, including occasional abductions: since January 2010, a total of 98 such incidents have been reported in North Kivu, compared to 144 in 2009, and 46 in South Kivu, compared to 32 in 2009.

148. In addition to the inevitable insecurity linked to ongoing military operations and the presence of tens of thousands of armed elements in the eastern part of the Democratic Republic of the Congo, the poor state of the roads is a major factor limiting access to those assessed to be in need of humanitarian assistance.

149. The Group's conclusion from available evidence is that the majority of security incidents affecting humanitarian operations are opportunistic acts of banditry by armed actors who usually remain unidentified. The Group has not found evidence of intent on the part of individual commanders systematically to prevent the distribution of humanitarian assistance. In these circumstances, the Group considers that citing specific incidents would not serve a dissuasive purpose, but might conflict with the need for the humanitarian organizations concerned to maintain their neutrality, independence and impartiality.

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[13] Lionso has been misdescribed as a "Colonel" in other briefings to the Council.

VI. Challenges for the integration of armed groups

150. In February 2009, CNDP underwent accelerated integration into FARDC and the Congolese national police (PNC). Over the course of its mandate, the Group monitored the significant challenges that continue to impede the full achievement of this process.

151. Integration suffered from a significant absence of transparency from its initial stages. The Group obtained internal administrative CNDP documents from December 2008 showing a troop total of 5,276 (see annex 13). According to further documents provided to the Group, in preparation for the accelerated integration process, CNDP, by 12 January 2009, claimed to command over 11,080 soldiers, more than double the original figure (see annex 14).

152. Former CNDP officers within FARDC have deployed their mixed units throughout most territories of North and South Kivu. According to FARDC sources, former CNDP officers have convened meetings in order to bypass approved channels in making decisions on troop deployments. The Group received testimony from a number of FARDC officers that former CNDP officers, even when posted as deputy commanders in FARDC units, are the real decision makers within most FARDC brigades.

153. After rumours of his imminent suspension from FARDC circulated in September, General Bosco Ntaganda remained deputy commander of Amani Leo operations. Although his role has never been officially acknowledged by FARDC, Ntaganda publicly confirmed it in a Reuters interview published on 6 October.

Non-integrated units and arms

154. The Group has monitored a number of non-integrated battalions that remained under the exclusive command of former CNDP FARDC officers, such as Colonel Zimurinda and General Ntaganda. Most of those units were absent from official FARDC organizational structures. The Group was nonetheless able to identify three of these "hidden" battalions and received reports that there were several more. According to former CNDP officers, one non-integrated battalion was deployed at Kitchanga under the command of Lieutenant Colonel Steve Rukara. A second battalion remained in the Ngungu area, led by Lieutenant Colonel Eric Badege. A third battalion was led by Major Eustache at Nyange and Bibwe in northern Masisi territory. As the majority of those units were ethnic Tutsis who were well armed and well equipped, local people have often confused them for Rwandan army units. While regular FARDC battalions are often composed of about 400 to 600 soldiers, according to former CNDP sources, these non-integrated units are estimated to have as many as 800 soldiers.

155. The Group has also received credible testimony from multiple FARDC officers, local authorities and eyewitnesses that former CNDP elements continue to use armed cattle herders as auxiliary militias. The herders often protect cattle for high-ranking CNDP officers and have been seen wearing military uniforms at night, according to eyewitnesses interviewed by the Group. MONUSCO military contingents informed the Group that they had stopped and inspected the weapons of armed herders around Osso farm, Masisi territory. On one occasion, in March 2010, according to Government officials, armed herders killed two military police along the main road to Masisi centre. When asked why they were carrying grenades, one

of the herders threw one at the military police, which exploded, prompting numerous other herders to descend to the road and beat the two officers to death. Former CNDP elements later prevented ANR agents from investigating.

156. Moreover, the Group has received numerous accounts of arms caches that continue to be under the protection of former CNDP officers within FARDC. Deserters, such as Lieutenant Colonel Emmanuel Nsengiyumva, have attacked some of these caches, such as in June 2010 at Busurungu (see para. 55). According to FARDC officers previously holding high ranks within CNDP, General Ntaganda retains a number of arms caches in Ngungu, Kabati, Kasake and Bunyole. The Group obtained photos and precise GPS coordinates of one arms cache on a hill near Ngungu, which reportedly held significant quantities of machine guns (12.7-mm), rocket launchers (107-mm) and ammunition (see annex 15).

Enduring territorial dominance

157. During the first half of its mandate, the Group documented the existence of a parallel administration based at Mushake, where a CNDP flag was flown for many months. According to interviews by the Group, the system included hundreds of different taxes, the revenue of which was directed to Philippe Gafishi, President of CNDP, and General Bosco Ntaganda. The Group obtained official monthly records of taxation by this administration for the unrecognized territory of "Masisi/Mushake" (see annex 16).

158. Following lengthy negotiations, CNDP reportedly agreed to appoint a political officer to the post of deputy territorial administrator for Masisi in exchange for dismantling the parallel administration in July. A former CNDP administrator explained to the Group that the precondition for ending the Mushake-based administration was that a percentage of the overall Masisi administration revenue be directed to CNDP. During its visits to Masisi, the Group learned that the new Government appointee had assumed many of the most important services and domains of public administration in Masisi. In locations previously occupied by the CNDP parallel administration, local merchants interviewed by the Group noted a sharp reduction in local taxes, although they said some CNDP officials continued to impose illegal taxes for their own private benefit.

159. Despite the formal end of the parallel administration, in Kitchanga, authorities explained to the Group that former CNDP soldiers enforce *salongo*, whereby civilians are required to build houses, clean camps and transport merchandise for the military. West of Kitchanga, the CNDP administration controls the entire western portion of Virunga National Park, which park rangers are prohibited from entering (see box below). The Group also noted the illegal arrest and torture of the Masisi civil society leader, Sylvestre Bwira Kyah, on 24 August following public denunciations he made regarding abuses committed by Ntaganda's troops.

Box 3

Illegal settlements in Virunga National Park

There has been significant encroachment of the entire western sector of Virunga National Park by populations under the direct control of former CNDP officers. According to residents of the locality of Bwiza, inside the park, land is consistently being cleared for farming and cattle. Former CNDP officers are profiting from the sale of plots of land parcels in addition to charcoal (see annex 17).

160. The Group also received credible testimony from multiple sources about the continued existence of a "parallel" police structure for Masisi territory composed of former CNDP officers and former PARECO allies unsatisfied with their posting in the Congolese national police. According to PNC officers, this police structure is led by former CNDP Colonel Esaie Munyakazi alongside his deputy, Colonel Munyentwali Zabuloni (former PARECO officer). This structure comprises a North Sector commander, Colonel Mafieur, based at Kitchanga, and a South Sector commander, Colonel Hiver, based at Karuba. According to PNC officers in Masisi centre, these units constitute over half of all police forces in Masisi territory. While they continue to receive salaries out of the official PNC budget, they refuse to obey orders from the PNC territorial command. The Group interviewed Colonel Zabuloni, who confirmed the existence of parallel police structures in Masisi and presented a letter complaining of discrimination within PNC.

Internal tensions

161. The detention of former CNDP leader General Laurent Nkunda continues to divide CNDP. One faction is led by General Ntaganda, who replaced Nkunda before his arrest by Rwandan authorities in January 2009. High-ranking officers reportedly loyal to Ntaganda include the 22nd Sector commander, Colonel Innocent Zimurinda, the 21st Sector commander, Colonel Innocent "India Queen" Kaina, and the Zone 2 commander, Baudoin Ngaruye. On the other side, Colonel Sultani Makenga, the deputy Amani Leo commander for South Kivu, retains the support of a significant portion of former CNDP FARDC officers loyal to Nkunda. Those elements include the former 212th brigade commander, Colonel Yusuf Mboneza, the deputy Zone 4 commander, Colonel Ndekezi Salongo, and the 51st Sector commander, Colonel Claude Mucho.

162. During the Group's mandate, there have been a series of assassinations against officers and political leaders who remained close to Nkunda. On 20 June, the most respected elder leader of the Congolese Tutsi community, Denis Ntare Semadwinga, was murdered at his home in Gisenyi. According to human rights investigators, a group of men, including a bodyguard of Ntaganda, entered Ntare's home and stabbed him to death. This assassination provoked grief and outrage throughout the Makenga faction of CNDP, according to interviews conducted by the Group. On 14 September, Lieutenant Colonel Antoine Balibuno was assassinated in Goma by former CNDP officers close to Ntaganda on his way to the latter's home. Lieutenant Colonel Balibuno was a close member of Nkunda's inner circle during the CDNP rebellion. At the time of his death, he was in charge of civil-military affairs for the Amani Leo

command. In addition, the Group has noted reports of the disappearance, harassment or arbitrary detention of a number of other Nkunda supporters. Nevertheless, these two factions have cooperated on a number of occasions when they perceive prejudice against their movement within FARDC.

Links to armed groups

163. Another challenge to the CNDP integration process has been the collaboration of certain former CNDP officers with armed groups. MONUSCO debriefings with former combatants repatriated to Rwanda indicate communication and collaboration between certain elements within CNDP and FDLR in 2010 (see paras. 87 and 88).

164. In addition, according to credible testimony from various sources, former CNDP officers have been in contact with Rwandan political dissidents in South Africa, including Patrick Karegeye, the former head of Rwandan intelligence, and Lieutenant General Faustin Kayumba Nyamwasa, who survived an assassination attempt in June 2010 in Johannesburg. The Group directly witnessed a conversation between Karegeye and former CNDP FARDC officers in the eastern part of the Democratic Republic of the Congo in September. According to United Nations sources and combatants interviewed by the Group, Kayumba may have sent an emissary to meet with FDLR, FPLC and Mai Mai leaders in the Democratic Republic of the Congo in February.

Resistance to redeployment

165. In early September, when General Didier Etumba, the army Chief of Staff, communicated the Government's resolve to redeploy members of former armed groups outside the Kivus, CNDP factions reconciled in order to form a common front. According to FARDC sources, on 17 September Ntaganda organized a meeting of former CNDP officers in Rubaya to prepare their resistance to any attempts for redeployment. Former CNDP officers signed a letter explaining their strong opposition to redeployment until all aspects of the agreement of 23 March 2009 had been implemented, including the return of Congolese refugees and confirmation of ranks (see annex 18). According to multiple FARDC officers, joint operations with the Rwandan Defence Forces were envisaged in case it proved necessary to enforce redeployment.

166. The Group has received numerous credible reports from FARDC officers and MONUSCO that during the months of September and October, former CNDP officers have been recruiting to build up the numbers in their units. The locality of Bwiza in Virunga National Park has been used as a training centre for many new recruits, according to local and international sources. MONUSCO staff informed the Group that tensions had arisen between former PARECO and former CNDP officers within the 241st brigade in Kalehe, eventually forcing the brigade commander, Colonel Shiku, to flee to Bukavu under threat of assassination. According to MONUSCO and a FARDC officer with good knowledge of Kitchanga, on 4 October, under the orders of Colonel Zimurinda, former PARECO elements within FARDC were arrested, disarmed and forced to flee towards Mweso and Goma. According to many sources, most of the new recruits are ethnic Tutsis.

167. Moreover, during the presidential ban on mining activities, the former CNDP has significantly strengthened its control over the FARDC units deployed in Walikale. The Group interviewed Colonel Kaina, who stated that he had moved his

sector headquarters from Katale in Masisi territory to Walikale centre in August 2010. Moreover, with the suspension of Colonel Balumisa Chuma, the command for Zone 2 was assumed by Colonel Baudoin Ngaruye. In the course of the Group's visits to Walikale, multiple military and civilian sources stated that officers loyal to Ntaganda had taken over three quarters of the command posts in Walikale. In addition, according to United Nations reports, a non-integrated reserve battalion was deployed south of Walikale centre in October. Former CNDP officers revealed to the Group that this unit remained under the strict control of Ntaganda.

168. This high concentration of CNDP units in early October led most former Government forces of the 212th brigade, under the command of Colonel Mudahunga, to desert and flee towards Kisangani or the military base at Biruwe. Government officials informed the Group in October that soldiers had complained that all orders were being given in Kinyarwanda and they feared a return to war. Former CNDP officers informed the Group that those soldiers had quickly been replaced by non-integrated CNDP elements.

Integration of other Congolese armed groups

169. The reality of CNDP domination of the command structure of FARDC in the Kivus has also complicated negotiations with other armed groups, who resent what they perceive as unequal treatment. The leader of APLCS, "General" Janvier, explained to the Group that he was keen to negotiate with the Government but could never consider joining FARDC in its current state.

170. Officially, the window for the integration of Congolese armed groups closed on 31 July 2009, after the "rapid integration process". From that date, the Government of the Democratic Republic of the Congo stated that all outstanding armed groups would be considered "enemies of the State". While the majority of armed groups had already entered FARDC, however, a substantial number of Congolese combatants remained outside of the process.

171. The Congolese authorities initially insisted on respect for the deadline, arguing that reopening the window for integration/demobilization would only encourage the expansion of armed groups. In order to manage the security situation in the east, however, in early 2010, MONUSCO created a plan to process 19 of the remaining armed groups. The first attempt to implement this plan was with the Mai Mai Kifuafua, who gathered in Walikale and Hombo to be processed and given the choice to demobilize or integrate in March. However, without full government support, the process stalled. After being left in Walikale without support, salaries or deployment orders, more than 500 ex-combatants returned to their original territory in southern Walikale on 2 June. The failure to complete the process resulted in the fragmentation of Kifuafua forces, with some beginning to collaborate with FDLR while others began taxing cassiterite on the road between Itebero and Hombo, on the way to Bukavu. On 21 June, the Minister of Defence revisited the Government's policy and authorized MONUSCO and its partners to proceed, on the condition that "residual Congolese combatants" would be retrained prior to deployment within FARDC. The use of the official term "residual" is significant in that it allows for Congolese combatants within foreign armed groups, including FDLR and ADF, to participate in the process for the first time.

172. The Group also documented attempts made by civilian government authorities to integrate Hutu militia commanded by Erasto Ntibaturama, an ethnic Hutu

landlord who styles himself as a traditional chief in the area north of Kitchanga. Government officials informed the Group that they had negotiated an agreement and prepared a ceremony with Governor Julien Paluku in early September to integrate Erasto's units into the civilian administration. Upon receiving authorization and formal travel documents from CNDP permitting non-CNDP government authorities to travel to Kitchanga, the ceremony and integration process was abruptly cancelled. Former CNDP sources explained to the Group that General Ntaganda had given a verbal order to Erasto not to participate in the integration process, as his militia was still needed.

VII. Illegal exploitation of natural resources

173. Pursuant to paragraph 10 of resolution 1896 (2009), the Group of Experts has investigated the illegal exploitation and trafficking of natural resources in the eastern part of the Democratic Republic of the Congo and strategic mines known to be controlled or used by armed groups. The Group conducted numerous interviews with former combatants and visited several mining areas in North and South Kivu Provinces. A key finding of the Group from this research is that while FARDC military operations have driven many Congolese and foreign armed groups out of the principal mining areas, these groups nonetheless continue to control hundreds of more remote mining deposits. In addition, the Group has established that armed groups have increased their use of intermediaries to invest and purchase minerals in mines that they can no longer access. The Group has further noted an increase in pillaging and looting attacks by armed groups on mineral traders or transporters. The Group estimates that most minerals find their way onto legal markets through countries in the region. Finally, the Group has documented the financial benefits that armed groups continue to receive from natural resources other than minerals, such as land, timber, fishing, poaching and charcoal.

174. In early September, President Kabila publicly denounced the "kind of mafia" he said had become involved in mining, and called upon them to set aside either their mining interests or their uniforms. In a subsequent public statement, the Minister of Mines referred to "the manifest involvement of certain local, provincial, and national authorities, both civilian and military, in the illegal exploitation and illicit trade of mineral substances" (see annex 19). The need to rid the mineral trade of such criminal networks is the official justification for the Government's temporary freeze on mining activities in the three eastern provinces of South Kivu, North Kivu and Maniema as from 11 September 2010.[14]

175. The Group's research strongly supports the analysis of the President and the Minister of Mines, and some aspects of the complex, illegal involvement of these networks in the exploitation of natural resources are documented in this section. The Group considers that the cases, locations and individuals included illustrate the militarization of natural resources and its negative impact on security, human rights and the stabilization of the eastern part of the Democratic Republic of the Congo.

176. The involvement of FARDC in mining and the mineral trade is illegal for several reasons. Article 27 of the Mining Code prohibits public servants, including members of the armed forces, from involvement in mining (see annex 20). In

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[14] www.itri.co.uk/SITE/UPLOAD/Document/ITRI_statement_on_Kabila_suspension.pdf.

addition, President Kabila, who is the FARDC supreme commander, and several senior FARDC officers have ordered the military to keep out of mining (see S/2010/252, annex II), and articles 63 to 65 and 113 of the military penal code of the Democratic Republic of the Congo prohibit looting and the violation of orders in the presence of the enemy or during wartime or under exceptional circumstances (see annex 21). Yet while some military prosecutors have sought to apply this law, in practice they face serious obstacles, including limited logistical resources and obstruction by superior officers.

177. The conflict between the economic interests of criminal networks within FARDC and the security mandate of the army has led to three critical negative consequences:

(a) Failure on the part of FARDC to prioritize the protection of civilians;

(b) Competing chains of command and insubordination within FARDC;

(c) Distraction from the pursuit of military operations against armed groups, leading to cohabitation and in some cases active collusion with those same groups.

The Group concludes that these developments have directly contributed to the persistent threat posed by armed groups and represent a critical challenge to addressing insecurity in the eastern part of the Democratic Republic of the Congo.

178. Throughout its mandate, the Group has observed that the involvement of armed actors in the mineral trade takes many forms, ranging from indirect avenues to the most directly coercive, and offers the following typologies of military and armed group involvement in the mineral trade:

(a) *Taxation*. FARDC and armed group taxation can consist of taking a percentage of sales or total production from pit managers, imposing entrance and exit fees at mining sites, demanding monthly flat fees per pit or per crushing and washing station, or establishing roadblocks for vehicles or transporters on foot. FARDC and armed groups also post themselves outside of pits and siphon off a portion every time a digger exits with minerals. FARDC and armed groups also at times impose "war effort" taxes on all buying houses, *boutiques* (shops) and homes, and sometimes on goods, including beer and cattle, in mineral-rich areas;

(b) *Protection*. In the mining areas visited by the Group where there is a threat of insecurity from armed groups, pit managers will typically approach the acting FARDC commander and work out a deal before the pit is either looted or seized from them or they are arrested for higher extortion payments. Protection fees are also sometimes paid to both FARDC and armed groups so that they will provide security escorts, facilitate smuggling across land or water borders or intervene on behalf of one party in conflicts over mining rights. Finally, more significant bribes are paid to important FARDC commanders by major gold traders in such cities as Bukavu, Butembo and Goma as insurance in case they encounter any harassment from other authorities;

(c) *Commercial control*. The Group observed that armed groups and criminal networks within FARDC often use private funds, siphoned salaries and revenue from illegal taxes and pillage to buy and sell minerals near mining sites. FARDC officers frequently use intermediaries such as siblings, *commissionnaires* (agents) or personal escorts with special military travel papers to invest on their behalf. Criminal FARDC networks and armed groups also at times become "supporters" of managers and teams of diggers by pre-financing their food, water pumps and electric generators. In addition, commercial involvement in the mineral trade can take place through the sale of goods and the provision of transport;

(d) *Coercive control*. The most coercive form of involvement of armed groups and FARDC in the mineral trade is gained through pillage. Armed actors may be complicit in these attacks through the provision of weapons to bandits or armed groups and informing them of the movement of minerals or the money used to purchase them in order to share a percentage of the looted goods. Armed actors may also forcefully seize productive pits in order to exploit them themselves, or pits may be sporadically looted. Arbitrary arrests for the purposes of extortion are also frequent at mining sites. Armed actors have also been reported to impose weekly collective workdays, known as *salongo*, during which all production is designated for armed actors. Coercive control is also exercised when the armed actors demand access to the pit during certain hours of the day so that combatants themselves can dig. Finally, armed actors may force the sale of minerals to certain preferred traders. Participation in the previous three categories of armed actor involvement can help diggers and traders to avoid the consequences of coercive control.

A. Minerals

1. Walikale

179. In an economy heavily reliant on artisanal mining, official and economic actors interviewed by the Group in Walikale were concerned about the impact the presidential mining suspension would have on livelihoods and were uncertain that it would improve security. They nevertheless accepted the President's characterization of the mafia networks that had come to dominate the sector, while wondering whether disciplinary measures would be taken against the most powerful figures within those networks.

Armed group involvement in the mineral trade

180. During its visit to Lukweti, the Group confirmed previous reports that gold exploited or pillaged by Mai Mai Sheka, FDLR and FPLC/Emmanuel was all sold in the market at Mutongo. According to women who frequent the market on a weekly basis, other pillaged items, such as clothes, suitcases and mobile phones, were also sold at Mutongo and were referred to as "*merci* Sheka" for their below-market prices.

181. According to staff of the MONUSCO Disarmament, Demobilization, Repatriation, Resettlement and Reintegration Section, the FDLR Montana battalion, based in Walikale territory, has become one of the richest units in the movement because of pillaging alongside Mai Mai Sheka and FPLC/Emmanuel. FDLR commanders allow their soldiers to keep 50 per cent of all looted goods, including personal items and minerals. As a result, the same sources indicate that members of other FDLR units have deserted their own commanders to join the Montana battalion. An FDLR civilian collaborator also informed the Group that he would often travel to Walikale through the airport at Kasese (Maniema territory) in order to recover gold to be sold on behalf of high-level commanders. The same source claimed to have middlemen supporting these gold deals in Bujumbura and Kigali.

Attempted sales of "uranium" by FDLR and Établissement Namukaya

182. During the course of its mandate, the Group learned that FDLR had been attempting to sell six canisters of what it believes to be uranium discovered in Walikale territory. According to informed sources, in 2008, customary chiefs in Walikale asked FDLR to use explosives to uncover an underground vault hidden at the time of Belgian colonization. Once unearthed, FDLR found many precious minerals, as well as 70-kilogram canisters of uranium. Sylvestre Mudacumura, the FDLR High Commander General was informed immediately. According to Congolese intelligence services and FDLR intermediaries, General Mudacumura contacted his long-time business associate, Evariste Shamamba, of Établissement Namukaya, to arrange for the transport of one canister by plane from Kasese to Bukavu. Établissement Namukaya subsequently held the canister for over a year without finding a buyer, and it was eventually returned to a Rwandan pastor living in Kalehe.

183. The Group has photographic evidence of this canister (see annex 22). The markings on the casing read "URANIUM FABRIQUE CHIKOLOBWE DAN LA PROVINCE DU KATANGA 18960, Nr. 238 RX9006-6 CHAMBRES 25" (see annex 23). The Group has informed Interpol of this information, as well as the International Atomic Energy Agency, which has been monitoring illicit traffic from Katanga Province, where there is a well-known uranium deposit at Shinkolobwe. The Group understands that, even if it proved to be authentic, hundreds of such canisters would be required for the production of a single gram of fissile material. The Group also notes that uranium has never been enriched in the Democratic Republic of the Congo.

184. Établissement Namukaya was also linked to another case of uranium from Walikale, when two agents of Shamamba offered to sell "uranium" knowingly to a member of the Group in Bukavu (see annex 24). Those agents provided the Group with photographic evidence and documentation of this material, which they claimed was discovered in Walikale territory (see annex 25). The documents provided to the Group state that the material consisted of two bottles of uranium powder, four bottles of black liquid mercury, two bottles of red mercury, and two bottles of radium (see annex 26).

Itebero

185. During the course of its mandate, the Group visited Itebero, one of the pilot locations for a mineral trading centre. Along with the International Organization for Migration, MONUSCO is supporting the establishment of such centres in North and South Kivu with the aim of centralizing taxation and documentation, as well as providing security for the mineral trade. Itebero is already a well-known trading centre for numerous artisanal cassiterite and gold mining sites[15] south of the town of Walikale, on the road to Hombo and Bukavu. Itebero also has access by road to Kasese, approximately 130 kilometres to the west in Maniema, from which significant quantities of minerals are flown to Bukavu. Cassiterite from the area is of high quality and fetches double the price per kilo of cassiterite from Bisie. While sites are nominally controlled by traditional authorities, most artisanal diggers and

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[15] Sites include Bukama, Kamabanga, Ibondo, Kibindobindo, Nguba (in the Kahuzi Biega park), Kibindo, Mibio, Kamabanga, Idambo, Kandimu, Kabalo, Isuku, Tusengusengu, Bukumu River, Luka River, Kasindi, Mika and Busisi, plus Ibanga and other sites along the road to Kasese.

traders come from South Kivu. Moreover, traders informed the Group that many of their cassiterite purchases in Itebero were pre-financed by *comptoirs* (buying houses) in Bukavu.

186. The road from Walikale to Hombo Sud is not presently passable by trucks, forcing traders of cassiterite and other products to transport them by bicycle through a forested zone partially controlled by Mai Mai Kifuafua. Cassiterite buyers and mining authorities interviewed by the Group reported a barrier at Karete where Mai Mai Kifuafua levies a fixed illegal tax of $4 per 50-kilo sack of cassiterite.

187. According to cassiterite buyers and local authorities interviewed by the Group, FDLR retains sporadic access to sites along the northern fringes of Kahuzi-Biega Park, including Ibondo-Busasa, Kumua, Kaminjenje and Ititi. Sites reportedly looted in 2010 include Nguba (within the park), Zoba, Ititi and "225", on the road to Kasese. At other sites, local sources involved in mining told the Group that FDLR trades cassiterite for meat. Whether obtained through looting, illegal taxation or barter, multiple sources, including government officials and operators of mine shafts, informed the Group that FDLR cassiterite is sold through local intermediaries to *comptoirs*, local traders or diggers or intermediaries at other mining sites, sometimes in exchange for basic goods. According to local sources interviewed by the Group, one such intermediary is Colonel Kingombe, a deserter from FARDC who is accused in multiple reports of banditry and association with FDLR in the Bunyakiri area.

Forces armées de la République démocratique du Congo involvement in the mineral trade

Bisie

188. The mineral deposit at Bisie, located 80 kilometres north-west of Walikale centre, has been the epicentre of cassiterite production in North Kivu since 2003. During the first six months of 2010, according to government statistics, Bisie produced two thirds of the total production of recorded cassiterite exported from North Kivu. The *comptoirs* exporting the greatest quantity of the mineral during the period were Huaying, TTT Mining, GMC, Clepad, Sodexmines and AMUR (see annex 27).

189. According to mineral traders, prior to the suspension, the quality of cassiterite exported from Bisie was decreasing because of haphazard mining techniques that led to large amounts of water invading mine shafts. Mining cooperatives informed the Group that an estimated 2,000 diggers were working in more than 250 active mining pits.

190. In February 2009, the 85th brigade of Colonel Samy Matumo was replaced in Walikale by the recently integrated former CNDP 212th brigade, commanded by Lieutenant Colonel Yusuf Mboneza. According to mineral traders interviewed by the Group, Mboneza's troops subsequently occupied Bisie with a company-sized unit led by Captain Sharushako. This intervention was denounced by the territorial administrator in a letter obtained by the Group (see annex 28). As a result of disputes between Mboneza and Colonel Chuma Balumisa, the Commander of Zone 3, over control of the revenue generated from Bisie, a reserve battalion under the leadership of Colonel Mboni Matiti arrived to replace the 212th brigade at Bisie in

July 2010. According to FARDC officers in Walikale, even when the reserve battalion arrived, elements of the 212th brigade refused to depart from Bisie.

191. Throughout this time, mining sites at Bisie have been characterized by a high level of military involvement. Mining officials and mineral traders informed the Group that Mboneza had installed a tax regime whereby all diggers were obliged to provide a kilo of cassiterite to FARDC each time that they exited a pit. Moreover, according to mining authorities in Ndjingala, the 212th brigade also takes $20 every time a digger works at night and $15 every weekend, all of which goes directly to Mboneza. According to transporters, the 212th brigade also benefits from the revenue generated from four separate roadblocks between Bisie and the transport centre of Ndjingala.

192. One the most notorious soldiers involved, according to mining officials, FARDC officers and traders, is Captain Zidane, whom they accuse of commandeering numerous pits from other operators. Local civil society members reported to the Group that Zidane had commandeered four pits at the *Temps présent* mining site, and some mineral traders complained to the Group that he had commandeered up to four others. For the past year, according to multiple credible sources, Zidane has directly overseen the mineral investments of Mboneza and his deputy, Colonel Hassani. The military prosecutor of Walikale accused Zidane of providing weapons to bandits to attack a mineral trader on his way to Bisie with over $10,000. Nevertheless, on 7 April Mboneza destroyed the arrest warrant and detained the officers carrying it to Zidane. The Group obtained a document from the Military Prosecutor's Office referring to this warrant (see annex 29).

193. According to the same sources, Hassani's investments pass through the hands of his younger brother, Faustin Ndahiriwe, the director of the Imara cooperative, which provides finances to mineral traders in Mubi. In addition to having commandeered his own pit, Ndahiriwe also has a buying house in Mubi called "Chez Faustin et Christian". According to government authorities in Mubi, Hassani sells his minerals to the Clepad *comptoir* in Goma. Government authorities also told the Group that Hassani invests on behalf of General Ntaganda.

194. Numerous interlocutors alleged to the Group that the biggest direct purchaser of cassiterite at Bisie was a Rwandan citizen by the name of Jean-Claude Bazungo, who is commonly referred to as "Lieutenant Kazungu". Kazungu, who is not a licensed trader, was previously the chief bodyguard for Colonel Matumo at Bisie and was repatriated to Rwanda in early 2009, according multiple knowledgeable sources. Subsequently, Kazungu returned to begin purchasing large amounts of cassiterite in the name of Byamungu, former Commander of Zone 2. According to mining authorities, because of his military protection, Kazungu bypasses all taxes and formalities between Bisie and Mubi. The Group has received reports from multiple other sources that other high-ranking FARDC officers invest through Kazungu, such as Colonel Chuma and General Ntaganda, and that Kazurgu sells the cassiterite in Goma to retired general Bora.

195. The deputy commander of the 8th Military Region, Colonel Etienne Bindu, is also an important buyer of cassiterite at Bisie. In addition to a buying house in Mubi, he invests through the managers of his cooperative. Military officers informed the Group that Bindu's younger brother, Major Morgan, a battalion commander in the 212th brigade, whom he has assured would be deployed at Bisie, oversees his investments on the ground.

196. In addition, according to mineral traders and mining authorities, General Amisi Kumba, commander of FARDC land forces, is also actively involved in mineral exploitation at Bisie, where he has deployed Adjutant Tchiza to oversee at least three pits. The former commander of Zone 2, Colonel Chuma, also invests in Bisie through his younger brother, commonly known as "Major B52", based at Ndjingala. The Group was also informed by mining authorities, businessmen and FARDC officers that the commander of the 8th Military Region General Vainqueur Mayala, periodically sends agents to oversee his investments at Bisie as well. Mining authorities informed the Group that military involvement in Bisie had become so institutionalized that a civilian by the name of "Kalala" arrived recently from Maniema and purchased a weapon and a military uniform to facilitate his involvement in the trade.

Box 4

FARDC deployment and mass rape in Walikale

Economic interests by the criminal networks in FARDC have led to insubordination and competing parallel chains of command in Walikale territory. Officers at different levels of the FARDC hierarchy jostle for control over mineral-rich areas at the expense of civilian protection. Not only has this lead to collusion with armed groups in order to attack rival FARDC commanders, but it has given both national and foreign armed groups free reign over large swaths of uncovered territory.

According to various credible sources within FARDC, in the months leading up to the mass rapes committed in 13 villages on the Mpofi-Kibua axis between 30 July and 2 August, internal disputes over lucrative deployments along the Mubi-Ndjingala axis led FARDC units to vacate those positions prior to the attack by the coalition of Mai Mai Sheka, FPLC/Emmanuel, and FDLR, in favour of deployment at mine sites.

Following the Umoja Wetu joint operations between RDF and FARDC in February and March 2009, Lieutenant Colonel Yusuf Mboneza's 212th brigade was deployed to the highly sought-after axis between Mubi and Ndjingala, including posts at the mining sites of Bisie and Omate. Military officers in Walikale informed the Group that the zone commander, Colonel Chuma, began to compete with his subordinate, Mboneza, over revenue from those deployments. According to FARDC sources, the financial profits gained by Mboneza were shared principally with his former CNDP commander, Colonel Makenga. For his part, Mboneza's deputy, Colonel Hassani Shimita Bin Mashabi, was principally sharing his profits with the leader of the other faction within CNDP, General Ntaganda.

As a result, Chuma was not receiving the percentage of the revenues he considered his due, and in early July he gave orders to rotate the 212th brigade out of the Mubi-Ngijngala axis towards the east along the Mpofi-Kibua axis all the way to Kashebere. The 211th brigade, which had been posted along the Mpofi-Kashebere axis, was given orders to replace the 212th. Fearing the loss of his revenue stream from Bisie and Omate, Mboneza disobeyed those orders and instead established a new headquarters at the nearby mineral trading centre of Mubi. The sector

> commander, former CNDP Colonel Innocent Kaina, who was Mboneza's direct superior, did not enforce the order from the zone commander that the 212th redeploy.
>
> Reacting, Chuma deployed a reserve battalion from Zone 1 in Lubero to Bisie, under Colonel Mboni Matiti. While nominally under the 211th brigade, this unit remained outside the regular command structure and reported directly to Chuma. Chuma also redeployed another reserve battalion to Omate under the command of Major Safari in order to undermine the 212th brigade's control over the gold mine there.
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> In early July, the Matiti reserve battalion had three companies at Bisie and two based in Kibua. The latter two companies were redeployed to Bisie in late July, apparently to consolidate Chuma's control over Bisie and push out the remaining companies of the 212th brigade. As a result, no FARDC unit remained along the stretch of villages where the mass rape took place, since Colonel Mboneza still refused his brigade's rotation to this axis. According to its commander, the 211th brigade was not able to replace Matiti's battalion, as it was short of manpower, with only two battalions at its disposal. This shortage was because another former CNDP commander, Innocent Zimurinda, had previously transformed one of the battalions of the 211th brigade into a reserve unit reporting directly to him. As a result, before the mass rape took place, neither the 212th brigade, the 211th brigade, nor Matiti's reserve battalion were present.

Omate

197. During the Group's mandate, the gold mine at Omate (also known as Umate) has been the subject of considerable attention throughout Walikale. According to multiple credible sources and extensive documentation, General Amisi has inserted himself into an ongoing conflict over the rights to Omate in exchange for a percentage of the production. According to mining authorities and mineral traders, the rights to Omate have historically been held by the local mining company, Sozagremines, later to become Socagrimines, owned by Dimanche Katengura. Socagrimines failed to renew its rights to Omate in 2005, following which other members of Katengura's family solicited the rights in the name of a new company, Geminaco. Under an exploration licence, Geminaco began preparing to exploit gold at Omate.

198. When Katengura returned to Walikale in 2009 intending to reassert Socagrimines' control over Omate, Rene Mwinyi, the director of Geminaco, solicited support from General Amisi, who was a close friend of his, according to other Geminaco representatives interviewed by the Group. The Group obtained documents showing that Amisi subsequently ordered General Mayala to instruct a platoon of the 212th brigade to vacate the Omate mine and for Geminaco to be installed there (see annex 30). The Group obtained further documentation indicators that General Mayala in turn passed the order to the 212th brigade commander, Colonel Mboneza (see annex 31). Representatives of Geminaco in Goma admitted to the Group that Mwinyi had indeed asked Amisi for support in this conflict over the rights to Omate. They claimed that Amisi had simply studied both sides of the case and, realizing that Geminaco was suffering an injustice, decided to assist it without any payment, even though such arbitration falls far outside his competence.

199. According to mining officials and civil society activists in Walikale, in mid-February Mwinyi arrived from Goma accompanied by nine soldiers sent from Kisangani, including Captain Djuma, Amisi's brother-in-law, Captain Sadok from the 8th Military Region and Major Katembo from Amisi's office. When the local population demonstrated against Geminaco at Mubi on 2 March, members of the 212th brigade attempted to remove them and 15 people were injured. The Group received photographic evidence of their injuries (see annex 32). During the night of 3 March, more than 60 soldiers under the command of Colonel "Pili Pili" Kantitima of the 212th brigade travelled to Omate and began pillaging gold ore collected over two months and held in the Socagrimines depot. According to witnesses at Omate at the time, Djuma was also present for the looting. Mineral traders further informed the Group that the platoon of the 212th brigade soldiers present at the mine decided not to leave, despite the arrival of more soldiers at Omate.

200. Socagrimines provided the Group with a letter addressed to the Minister of National Defence, Charles Mwando Nsimba, stating that when Socagrimines operated the Omate mine, there were only 15 military personnel present, whereas following the installation of Geminaco, there were more than 100 soldiers. In the same letter, Socagrimines stated that the presence of that number of soldiers was "scandalous at a time when there are not enough in other places in Walikale that need them" (see annex 33).

201. According to local mineral traders, since the installation of Geminaco at Omate, their manager, Shabani Taibu, began paying each soldier 1 gram of gold per month along with 10 to 15 grams to the entire unit for "rations". Amisi has reportedly been allotted his own mining pit, and Mboneza has instructed that his soldiers be given access to productive pits for a certain number of hours each week. For his part, Colonel Bindu, who had allegedly paid off the customary chiefs originally opposed to the departure of Socagrimines, sent Captain Sadok to represent his interests at Omate. The Group also obtained photographs of soldiers surveying diggers at Omate after Geminaco had taken control (see annex 34). The Group received documentation of the Military Prosecutor's Office in Kinshasa ordering the demilitarization of the Omate mine on 23 April (see annex 35).

202. Representatives of Socagrimines informed the Group that they believed that Geminaco was not fulfilling its original agreement with the military commanders, which requires that the company allocate 25 per cent of production for General Amisi and 10 per cent each for General Mayala and Colonel Bindu. According to FARDC sources, Major Katembo and Major Aloma (see para. 219) went to Omate from 7 to 25 August in order to collect General Amisi's percentage, but left disillusioned. Katengura informed the Group that he planned to propose the same percentages to Amisi, Mayala and Bindu as well as adding something for the zone commander, Colonel Chuma.

203. On 15 July Nsimba, the Minister of National Defence, wrote a letter to the Military Prosecutor's Office and general army headquarters asking both to investigate the conflict at Omate (see annex 36). In late July, soldiers from the 212th brigade at Omate were replaced by a reserve battalion commanded by Major Safari. This new deployment arrived following a deadly Mai Mai Sheka attack on a delegation led by Chuma, who had been heading to Omate for commercial reasons. According to FARDC sources, dozens of soldiers were killed in the ambush, including Captain Djuma, the brother-in-law of Amisi. In phone interviews with the

Group, Sheka claimed that Geminaco had offered him 100 grams of gold per month in exchange for not attacking Omate.

204. Mining officials in Mubi told the Group that FARDC did not allow them access to Omate, but that they were making attempts to improve the regulation of gold traders. The Group obtained a copy of a document showing an updated list of gold traders in Mubi who had purchased from Omate. Only 6 of the 16 total had official licences to buy gold (see annex 37). According to members of civil society in Walikale, most gold traders there sell to Etablissement Namukaya in Bukavu.

205. Despite the presidential suspension in September of mining in the eastern part of the Democratic Republic of the Congo, mining authorities informed the Group that activities had not stopped at Omate. According to mining officials, officers present claimed that that they had not received any direct order from their superiors. When a delegation of the Military Prosecutor's Office and mining authorities attempted to halt activities at Omate on 6 October, an officer of FARDC was shot dead by another officer who refused to obey his order. According to official sources, on 14 October Shabani Manala, a Geminaco manager, was arrested by the Military Prosecutor's Office in Walikale for illegally mining gold at Omate. According to a taped interview obtained by the Group, Shabani claimed that Amisi had requested his arrest, but denied that it had anything to do with the failure to provide the General with a percentage of the production. Through the website of South Africa-based Dimension Resources, the Group learned that it had acquired an 18 per cent stake in Geminaco, according to its press statement dated 9 May 2009 (see annex 38).

Box 5

Inclusive consultations in Walikale

On 27 August the Group organized an inclusive public consultation with a cross-section of representatives from civil society, mining cooperatives, mineral traders, buying houses and security services, as well as government officials. Despite the limited participation of the military and attempts by the territorial administrator to block the discussion, the Group gained a greater appreciation for the frustrations of those involved in the mineral trade. A previous five-day round-table discussion with all segments of society, including armed groups, made the recommendation that FARDC intensify military operations against FDLR instead of launching themselves into economic activities (see annex 39).

Itebero

206. The final report for 2008 of the Group of Experts (S/2008/773, para. 94) presented findings that FDLR-taxed cassiterite leaving Kahuzi-Biega Park near Itebero was sold at Musenge through private depots supervised by FDLR. Part of the legitimate mission of FARDC in Itebero is to secure mining and trading sites previously controlled by FDLR. The commander of the local FARDC 2,122nd battalion informed a MONUSCO staff member in March 2010 that he had deployed 20 soldiers per mine to this end in Itebero, which has reduced FDLR access to mines and markets. As elsewhere, however, multiple local sources agree that this led to a situation in which individual officers became involved in settling disputes, levying

illegal taxes on production and finally commandeering individual pits. According to a Congolese intelligence official and a civil society member, battalion commander Lieutenant Colonel Mahindure and brigade commander Lieutenant Colonel Yusuf Mboneza (both former CNDP) took shares of the revenue. The mining police are present in Itebero but without appropriate backing from the highest authorities, and they are not in a position to challenge criminal networks within FARDC involved in the illegal exploitation of minerals.

2. Mwenga

Armed group involvement in the mineral trade

207. In Mwenga territory, staff of the Disarmament, Demobilization, Repatriation, Reintegration and Resettlement Section of MONUSCO informed the Group that FDLR controlled the majority of gold production in the locality of Lubamba. This production is sold either in the Lemera gold market to be exported to Bujumbura or is used to purchase weapons and ammunition in deals through traffic routes across Lake Tanganyika. Around the prominent mining towns of Kamituga and Lugushwa, however, the Group's research indicated that FDLR directly controlled very few gold mines. Instead, and similar to its behaviour in Shabunda and Walikale, FDLR has relied on ambush attacks against mineral traders. In this way, the mineral trade remains an important source of income for FDLR, even though its combatants have been removed from the principal mining sites.

208. An FDLR leader by the name of "Kazungu" is reported by MONUSCO and humanitarian sources to have conducted numerous attacks around Lugushwa in 2010. According to those sources, the FDLR looted 30 houses near Lugushwa on 21 June and took 15 civilians hostage on 15 July. FDLR appears to take particular advantage where FARDC units have vacated population centres and villages, apparently in order to protect their or their commanders' mining interests. On 11 September, according to local civil society sources, FARDC abandoned its position at Kabikokole in order to proceed instead to mine sites, following which FDLR attacked the local population and kidnapped two individuals.

209. The Group has received credible testimony from numerous sources that FDLR also controlled numerous remote cassiterite sites within the Itombwe forest, which has increasingly become its bastion in South Kivu. Throughout the forest, local leaders estimate that FDLR has a network of 750 collaborators who come to buy minerals from them. According to a MONUSCO protection specialist, FDLR is also only 1 kilometre from the Zombe mine, where it purchases and sells minerals through Congolese commissioners. As a result, FDLR never attacks Zombe. Near Kamituga, several mineral traders informed the Group that there was also an official FDLR cassiterite tax at Kakanga. Moreover, FDLR levies a tax of $20 per sack of cassiterite at Mulambozi, one of its longstanding strongholds in Mwenga territory. The same sources reported that most cassiterite taxed or sold by FDLR was eventually sold to *comptoirs* in Bukavu for international export. Other cassiterite reportedly makes its way over the high plateaux to Uvira and is sold in Bujumbura.

Forces armées de la République démocratique du Congo involvement in the mineral trade

Kamituga

210. During its mandate, the Group visited the mining town of Kamituga in South Kivu and found evidence of extensive involvement of the 321st brigade of FARDC in the mineral trade. According to several mineral traders' testimonies, brigade commander Colonel Rugo Heshima has used the pretext of operations against FDLR in order to take control over mineral-rich areas. Heshima has deployed a battalion under Major Yesu Ni Bwama at the Itabi gold mine, 8 kilometres from Kamituga, where his soldiers supervise all activities. According to the same sources, Colonel Heshima has also installed a system in which he receives roughly 40 per cent of the production. At Mulingote and Mobalo mines, Heshima's intelligence officers impose a tax of $5 for every digger who enters the mines. The Group confirmed with mineral traders that thousands of diggers work in the mines every day. Colonel Heshima also uses his intelligence officers to monitor the movements of mineral traders who may be evacuating large amounts of gold or gold ore. On 7 September, Heshima reportedly ordered Lieutenant Colonel Wilondja, who himself controls two pits near Kamituga, to arrest 17 people at the Pwembwe mine. According to the local population, the victims were brought directly before Heshima before having their minerals confiscated and eventually released.

Box 6

Colonel Heshima and the removal of the contingent base in Kamituga

In June 2010 Colonel Heshima, under instructions from Colonel Delphin Kahimbi, the Amani Leo operations commander, ordered the removal of the MONUSCO Pakistani contingent base in Kamituga at short notice despite the continued threat posed to security there by FDLR. Heshima's reported justification for this was that the house in which the MONUSCO contingent was based should belong to his brigade because it was the most strategic military position in the town. According to the testimony of several MONUSCO and FARDC officers, however, the decision was made to force MONUSCO out of the house because Heshima had been informed of rumours that gold might be hidden underneath the floors.

211. Colonel Heshima also exercises a considerable amount of influence over the 322nd FARDC brigade, where his adjunct commander, Colonel Bulimaso, was recently named brigade commander. All three battalions of this brigade are commanded by former CNDP officers, one of whom is deployed at Zombe, the main cassiterite deposit in Mwenga territory. The Group received credible information from multiple sources that Major Tembo forces diggers at Zombe to pay $30 per month and $10 per sale. They also employ the practice of *salongo*, in which FARDC soldiers force the diggers to work for them one day a week. According to MONUSCO staff, the soldiers at Zombe have explained to the population that they have been ordered to enforce these practices by their superior officers. The deputy commander

of Sector 32, Lieutenant Colonel Jean-Pierre Biyoyo (see S/2009/253, para. 85), is reported by the same sources often to send his younger brother with a military escort to purchase cassiterite at Zombe, forcing all diggers to sell to him alone on that day. In August, soldiers from the 322nd brigade attacked 23 mineral transporters and looted hundreds of kilos of cassiterite, according to MONUSCO sources. FARDC officials in the zone headquarters, in Mwenga centre, blamed this attack on FDLR. All the cassiterite exiting Zombe is transported by foot to Mwenga centre and subsequently loaded onto trucks to be sold to mineral trading houses in Bukavu.

212. The former brigade commander in Kamituga, Colonel Chiviri, was redeployed in late 2009 to a less lucrative post near Kasika. Nevertheless, according to MONUSCO sources, Chiviri retains a number of teams of diggers who remain loyal to him. In August, according to humanitarian sources, Chiviri's brigade was responsible for pillaging a truck full of cassiterite on its way to Bukavu. Chiviri continues to send cows and beer to Kamituga, where he reportedly uses his bar, named "Princesse de Zamunda", to stock gold ore (see annex 40). When the Group asked Heshima about the business ventures of other military officers, such as Chiviri, he responded that he could not comment, "because we all have our own private affairs".

Lugushwa

213. The Group also visited the mining town of Lugushwa south of Kamituga, where members of the 321st brigade and the 10th Military Region headquarters were very involved in the mineral trade. One company from the 3,211th battalion based at Kitutu was deployed to Lugushwa, which is home to a transient population of an estimated 28,000 inhabitants, over 70 per cent of whom are said to be involved in the mining sector. Canada's Banro holds the rights to all 30 mining sites within the perimeter of Lugushwa but has yet to commence industrial production there. Nevertheless, the prospect of artisanal diggers being removed to make way for industrial mining has accelerated the pace of artisanal mining, with pit operators apparently seeking to maximize their profits before they are obliged to leave.

214. According to the testimony of numerous government officials and mineral traders, since his deployment in Lugushwa in late 2009, company commander Captain Thomas Twagirayesu was responsible for collecting taxes on mineral production in Lugushwa and relaying them to the commander of the 321st brigade, Colonel Heshima. According to government officials, Lieutenant Faustin was responsible for collecting a monthly tax of $20 per pit, drain and crushing station, over 100 of which exist at the "D18" mine alone. These monthly taxes were referred to as "contributions to the war effort". In addition, every Saturday all households and shops in Lugushwa were expected to provide $1 to the "military supply office". In addition, according to mineral traders, Twagirayesu was known also to arrive at productive pits at any time and simply seize any minerals not protected by higher-ranking officers.

215. Working in competition with Twagirayesu is a T2 (intelligence) antenna of the 10th Military Region, which was under the direct orders of General Patrick Masunzu in Bukavu. Major Mweso was the conduit through which Masunzu supervised, protected and expanded his mining portfolio, according to government authorities. Masunzu routinely sent money to the T2 office to purchase minerals on his behalf, according to local government officials, including a recent delivery of $20,000. As Mweso outranked him, Twagirayesu appeared unable to control the

T2 antenna's activities. This resulted in tension and at times conflict between these two parallel command structures within FARDC in Lugushwa.

216. The Group received credible testimony from multiple sources indicating that Mweso's T2 team of Lieutenants Dorice, Alain, Musa and Pichen were authorized by him to survey mines that had begun producing and either seize them or collect a portion of their production for the T2 office. Those officers were frequently deployed throughout the mining sites, but could also arrive unannounced at any time. According to local diggers and pit managers, instead of the "intelligence unit", Mweso's team was commonly referred to as the "harassment unit". Diggers could be spared from constant intimidation in exchange for a portion of their production.

217. Mweso had his own team of civilian supervisors for his business interests. Outside a pit Mweso had commandeered at mine "A", near Simali village, he had three administrators and a team of 60 diggers working for the T2 office. Mining officials informed the Group that they were not allowed to inspect those mining activities or request the payment of taxes. Moreover, according to government officials, all disputes over the mining rights had to be addressed to the T2 antenna, which typically requisitioned the mineral assets of the concerned parties, returning them in exchange for bribes, or simply stole the minerals.

218. According to credible testimony from numerous sources, officers from the 10th Military Region T2 office in Bukavu were often given travel permits to conduct intelligence operations in Lugushwa. On 11 September, according to local government officials, Major Muhammed from the T2 headquarters office stopped 24 people transporting minerals and requisitioned seven sacks of gold ore. In addition, Major Moise "Musa" Kananume was widely alleged by local government officials to mount "fake" operations against FDLR as a pretext to visit mining sites and survey which pits were producing or not, apparently for purposes of extortion. The T2 antenna was also responsible for protecting the supervisors of the mining investments of other high-ranking FARDC officers, including pits commandeered by Colonel Nakabaka at "G7" and "D18", where he sent motor pumps and fuel for his teams of diggers, according to other pit managers.

219. According to numerous accounts, the most prominent pit manager in Lugushwa was Munganga Jérome Catche, whom the Group interviewed. Catche informed the Group that he had more than 200 diggers working for him at the "D18" mine. He further admitted to the Group that he voluntarily offers visiting FARDC officers around 50 grams of gold, with a value in Bukavu of approximately $2,300. Catche confirmed to the Group that he had received $9,000 from his "supporters" in 2010 to pay all of his workers. According to local government officials, Catche was escorted by elements of the T2 office, two of whom lived in his home, and did not pay taxes. To substantiate what was seemingly common knowledge for all those consulted in Lugushwa, one source asked the Group to listen to a phone conversation in which Catche openly declared that he worked for General Amisi Kumba (see paras. 196-205) and for one of Amisi's chief advisers, Major Aloma. Catche informed the Group that he sold all of his gold to Établissement Namukaya. All other mineral traders consulted by the Group stated that most of the gold from Kamituga and Lugushwa was purchased by agents of Etablissment Namukaya.

Collaboration of the Forces armées de la République démocratique du Congo with the Forces démocratiques de libération du Rwanda

220. Numerous sources within FARDC, mineral traders, and local civil society informed the Group that the 321st brigade was at a minimum complacent or at a maximum complicit in the persistent security threat to FDLR. FARDC sources informed the Group that FDLR "captain" Bethos has agreed on a "security arrangement" with Major Tembo regarding the Zombe mine, which appears to be another reason it has not been attacked. Sources within the Congolese intelligence services also maintained the view that Heshima's previous second-in-command, Colonel Burimaso, is a former PARECO combatant who reportedly has a long history of collaborating with FDLR.

221. Colonel Heshima, by contrast, insisted to the Group that his main objective was to combat FDLR. However, a number of mineral traders shared with the Group that FDLR maintains a "tax barrier" on the main transit road from a gold mine at Nyanjagarangara, some 15 kilometres from Kamituga. When informed of this by the Group, Heshima stated that he had never heard of this location. The Group obtained a text message sent by an FDLR commander in the area, asking Heshima to be calm "with his brothers", or else his family in North Kivu would be targeted (see annex 41).

Box 7

Patron-client relationships in mineral-rich areas

The position of brigade commander in Kamituga seems to be a sought-after deployment within FARDC. According to several FARDC sources and mineral traders, to secure this posting army officers often make arrangements with higher-ranking commanders, promising to return to them a significant percentage of their local earnings. Consequently, upon their arrival in mineral-rich areas, commanders are already indebted to their patrons higher up. Under constant threat of redeployment to a less economically attractive area, officers are pressured to gather as much money as possible for their superiors as quickly as possible. Asked why Colonel Heshima was able to maintain his lucrative post in Kamituga, FARDC officers referred instead to Heshima's long-standing ties with General Amisi, dating back to RCD years.

222. The Group received testimony from interlocutors among the local population of Lugushwa indicating that FDLR leader Kazungu was in contact with Captain Thomas Twagirayesu and had communicated with him prior to FDLR attacks. In early August, the same sources reported that FDLR set up a barricade between 6 and 10 a.m. at Miasa, on the path between Kitutu and Lugushwa, and looted from 250 people. Twagirayesu's troops reportedly intervened only in the afternoon.

223. Humanitarian workers informed the Group that in early August Kazungu demanded $5,000 from the local population in exchange for leaving them alone. When the local chief contacted Twagirayesu at Lugushwa, he received another note from Kazungu stating that it was of no use to seek out the military, because "we're all together". The Group also received testimony that telephones pillaged by FDLR had been recovered later in the hands of prostitutes known to liaise with FARDC.

3. Shabunda

Armed group involvement in the mineral trade

224. The 51st Sector of FARDC has expanded its control and influence over mineral-rich areas throughout Shabunda territory, thereby relegating FDLR to remote sites within the Kahuzi-Biega National Park. In early March 2010, MONUSCO reported to the Group that FDLR was present in the mines of Lugulumine, Lwigimine, Luyumine, Kamintoko and Manzakala. Meanwhile, the Group has observed an alarming pattern of pillaging and abducting civilian traders from principal mining sites and trade routes by FDLR.

225. According to MONUSCO sources, FDLR attacked the Nyambembe mine on 5 March, killing over a dozen 51st Sector soldiers, attacked the village of Mianzi on 5 June, abducting 40 individuals, and kidnapped 25 diggers at Nduma on 13 July. On 16 June, FDLR attacked the Baela mining site near Panekusu, looting all minerals, killing 3 civilians and kidnapping 40 diggers. After FARDC refused to pursue the assailants, according to humanitarian sources, Mai Mai Raia Mutomboki agreed to mount operations against FDLR in collaboration with the local population. Hostages taken by FDLR were kidnapped for exorbitant ransoms as well as to transport looted minerals and goods. Minerals looted or mined within the Kahuzi-Biega National Park were often transited by road to markets closer to the provincial capital and eventually purchased by mineral trading houses in Bukavu.

Forces armées de la République démocratique du Congo involvement in the mineral trade

226. In South Kivu, the Group obtained credible information from FARDC and government sources that the independent 51st Sector of the Amani Leo operation structure was created for the explicit purpose of benefiting from the mineral trade. Its deployment follows the outlines of one of the Province's main cassiterite and gold zones, which includes all of Shabunda territory along with the western portions of Walungu and Kabare territories. With no zone 5 to report to, the 51st Sector instead reported directly to the Amani Leo operations command. According to FARDC officers, the sector commander, Colonel Claude Mucho, obeyed only Colonel Sultani Makenga. In interviews with the Group, FARDC officers suspected that Makenga was given direct control over this mineral-rich area in an attempt to ensure his cooperation with the CNDP integration process, despite Nkunda's arrest in January 2009.

227. FARDC officers interviewed by the Group maintained that Mucho had explicit control and direct financial interests in the gold mine at Matili and the cassiterite mines at Nkunwa, Nyambembe, Nduma, Luntukulu and Lukoma (near Nzibira). Mucho financially supported several teams of diggers, who in turn sold their production to him, according to these same sources. The Group received documents stating that 150 soldiers under Mucho's command were also involved in controlling the gold mine at Kadumwa. According to South Kivu civil society sources, battalion commanders within the 51st Sector controlled the profitable cassiterite mines of Nyambembe and Nzovu, commanded by Lieutenant Colonel Ngongo Sadam. FARDC officers reported to the Group that a "Colonel Patrick" was supervising the business investments of Mucho in Luntunkulu.

228. In certain mining areas, FARDC disputed control over strategic positions with FDLR, while in others, the economic interests of the 51st Sector led to cohabitation. According to United Nations sources, FDLR in Shabunda territory was based very close to FARDC positions around mines, and the two groups allegedly even taxed mineral traders on different days in the mines of Kamulila, Kalekwa and Kagolomba. According to local civil society members, FARDC appeared uninterested in attacking FDLR. FARDC officers informed the Group that when a Mai Mai group repeatedly attacked Shabunda centre in June, the 51st Sector units did not return from their deployments in mining areas to defend the territorial capital.

4. Walungu

229. According to FARDC officers, Colonel Jean-Pierre Biyoyo, commander of the 31st Sector, was involved in a large portion of the gold production in Walungu territory, taxing all diggers and pit managers $20 per week at Mukungwe, Namurali and Kanyola. Biyoyo had also commandeered a number of pits. According to Congolese military intelligence officers, after repeated insistent complaints and numerous accusations of abuses by the populations of Walungu, Biyoyo was ordered to be redeployed from Walungu territory in early 2010. However, FARDC officers informed the Group that Biyoyo had paid his superiors to cancel those orders so as to remain in control of his mining activities.

230. According to Congolese intelligence services and mineral traders, Colonel Biyoyo sold all of his gold to a Congolese gold dealer, Mange Namuhanda. On multiple occasions, Biyoyo has intervened with Congolese authorities when Namuhanda's agents have been arrested for smuggling gold. Multiple mineral traders informed the Group that Namuhanda also worked with the deputy commander of the 10th Military Region, Colonel Baudouin Nakabaka. According to diplomatic sources, Nakabaka spent very little time in the 10th Military Region headquarters and is not familiar with its functioning. FARDC officers insisted to the Group that Nakabaka was "a businessman first". Since his time as a Mai Mai commander in the Ruzizi plain, Nakabaka has held ties with FDLR (see S/2009/603, paras. 33 and 159).

5. Uvira/Fizi

Armed group involvement in the mineral trade

Looting of TransAfrika facilities by the Forces républicaines fédéralistes

231. According to reports seen by the Group and verified in interviews, on 5 May 50 to 60 FRF troops under the command of Colonel Jacques Shaka looted TransAfrika gold exploration field camps at Rugezi and Bigaragara, south of Minembwe centre. The company suspended operations in response to the attack, pending the return of its stolen equipment and security guarantees.

232. The Group interviewed former FRF participants in the raids and an eyewitness who confirmed TransAfrika's account that FRF had been well informed about TransAfrika's assets but had expected to find gold, even taking away five boxes of soil samples. The company had started drilling for core samples in late January 2010, leading to rumours that industrial exploitation had started (and hence expectations that the community should receive promised benefits). According to a

TransAfrika representative and a former employee at one of the looted sites, those rumours were unfounded.

233. Five sources interviewed by the Group in 2010, including a senior Congolese intelligence officer and a source with good access to FRF, all suggested that the raid could have been a consequence of TransAfrika's refusal to make payments to FRF, while FRF believed that TransAfrika was paying local Mai Mai and FARDC commanders. The Group was unable to substantiate those allegations, which have been denied by a TransAfrika manager in Bukavu and by Nziratimana. In an interview with the Group on 5 August, the same representative denied having communicated with FRF or any other armed group. However, the Group subsequently obtained evidence that on 21 August, a nine-and-a-half-minute call was made from his number to a satellite telephone number verified by the Group as belonging to Colonel Venant Bisogo. In response to an enquiry from the Group on 12 October, the TransAfrika manager confirmed that the call had been made, during which, he said, an unidentified FRF major had explicitly threatened the company not to restart operations without "coming to see" FRF first to pay it off. The Group has discussed this with Thomas Nziratimana, TransAfrika's general manager (government and community relations),[16] who restated TransAfrika's policy of refusing contacts with armed groups. In its final report for 2009 (S/2009/603, para. 238), the Group found that Nziratimana had been in contact with FRF senior commanders in mid-2008.[17]

Forces armées de la République démocratique du Congo involvement in the mineral trade

234. The Group received testimony from Congolese authorities indicating the involvement of the FARDC zone commander, Colonel Bernard Byamungu (see para. 116), in numerous economic activities. Byamungu has strategically deployed soldiers within his zone to mineral-rich areas, particularly in Fizi territory. According to MONUSCO sources, troops under the control of Colonel Gifaru Niragiye of the 43rd Sector have taken over much of the gold trade surrounding Kilembwe, which had previously been controlled by FDLR. FARDC officers shared with the Group that, in addition to the gold trade, Byamungu was trafficking marble from South Kivu to Bujumbura for construction purposes. The Group received testimony that Byamungu also controlled the copper trade from the port city of Yungu to Bujumbura and Kigoma. According to ex-combatants, Mai Mai Yakutumba previously controlled this traffic but were displaced by FARDC. The Group received samples of the copper ore being held in Uvira, where military sources claimed that Colonel Byamungu had stocked approximately 35 tons while waiting for a buyer from Bujumbura (see annex 42).

6. Kalehe

235. The Group received consistent information from more than three independent sources that the commander of the FARDC/Amani Leo 24th Sector, Colonel Gwigwi Busogi, was also involved in the illegal exploitation of cassiterite, coltan, gold and

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[16] www.transafrikaresources.com/a/board.asp.

[17] Nziratimana subsequently wrote to the Group of Experts, confirming that he had been in contact with Venant Bisogo but denying any financial relationship with FRF.

tourmaline mines in areas under his control, including Nyabibwe, Numbi, Change, Bilembo, Lumbisha and Nyabarongo, and the smuggling of those minerals.

236. The Group interviewed a mineral trader who confirmed having purchased cassiterite and coltan from Gwigwi. The trader informed the Group that Gwigwi received one fifth of the production of mines in areas under his control, which, when the trader visited, were supervised by armed men. The same source made specific allegations about Gwigwi's involvement in smuggling minerals across Lake Kivu through the isle of Idjwi in July for sale to a buyer in Kibuye. The Group was able to verify the existence of this smuggling route independently through a Congolese military intelligence officer in Bukavu and two sources working with Gwigwi. According to the latter, since the introduction of the mining ban, supervised digging continued at night, for export through Idjwi.

7. Masisi

Armed group involvement in the mineral trade

237. During its mandate, the Group made a number of field visits to Masisi territory. Minerals from southern Masisi are often sold at the mining town of Rubaya, where MONUSCO, the International Organization for Migration and the Government's stabilization programme (STAREC) have begun construction of a trading centre, which will centralize all government services, documentation and taxes required for trade in minerals before transport and sale to *comptoirs* in Goma. Senator Eduard Mwangachuchu, cited in previous reports (S/2008/773, para. 58, and S/2009/603, para. 230) for his collaboration with former CNDP officers within FARDC, operates out of the mining site at Bibatama, "D2", near Rubaya, through his mining company and *comptoir* Mwangachuchu Hizi International. According to mining authorities in Rubaya, Mwangachuchu's mining operations are protected by a group of men led by an ex-combatant named Joffrey Muhizi. These elements often wear civilian clothes during the day while frequently being seen armed and in military uniforms at night, according to a number of mineral traders and mining authorities. Mwangachuchu told the Group that previous attacks on his business led him to organize this security group.

Forces armées de la République démocratique du Congo involvement in the mineral trade

238. According to numerous interviews with FARDC officers, mineral traders and government authorities, the zone of southern Masisi is under the absolute control of former CNDP members of FARDC, loyal to General Ntaganda. The Group received credible testimony from numerous sources indicating that Ntaganda has been directly involved in the mineral trade throughout this zone. According to MONUSCO, former CNDP elements are present in the mines in Kingi, Koy, Gakombe, Bisunzu, Bishasha, Ruziranta, Kawisi, Luoo and Mataba. Ntaganda works directly through senior commanders based in Ngungu.

239. These same sources informed the Group that officers loyal to Ntaganda, Colonel Baudoin Ngaruye and the 23rd sector commander, Colonel Innocent Zimurinda (both cited in S/2009/603, annex 124), have disputed the benefits of the mineral trade in southern Masisi. At the mining site of Kasangura, near Ngungu, production has been reserved for Zimurinda's benefit, through non-integrated CNDP battalions. When Baudouin was promoted to deputy zone commander and

Zimurinda replaced him as 23rd Sector commander in southern Masisi, the latter sought to supplant Baudouin's mineral networks with his own. MONUSCO reported to the Group that, as a result, tensions arose between the officers, leading to the assassination of one of Baudouin's mineral traders in Rubaya in early 2010 by individuals suspected to be working under Zimurinda.

8. Beni/Lubero

Armed group involvement in the mineral trade

240. During its mandate, the Group visited the territory of Lubero, where FDLR has aimed to ensure its control over the mining markets of Luofo and Miriki, where United Nations sources informed the Group that rebels were taxing local traders. In the first half of 2010, FDLR attacked gold mines around Luofu on seven separate occasions. In those attacks, FDLR, inter alia, burned 28 houses on 27 March and systematically pillaged villagers on 7 April.

241. According to mining authorities, before Operation Ruwenzori, ADF had controlled the gold mines in Chuchuba and Makembe for over a decade. Although they were not reported to collect taxes at those mines, the rebels forced the diggers to work for them periodically.

Forces armées de la République démocratique du Congo involvement in the mineral trade

242. Mining authorities in Lubero informed the Group that members of the 11th Sector, commanded by Colonel Bruno Mandevu and former CNDP Colonel Bisamaza, were deeply involved in the mineral trade. Former CNDP sources shared with the Group the information that numerous FARDC officers coveted the position of Colonel Bisamaza and had also requested to be deployed to Lubero for the financial benefits.

243. Government officials particularly denounced Major Dudu's 1,112th battalion, which on 17 March was deployed to the mineral-rich area of Manguredjipa. According to the same sources, Dudu's soldiers have consolidated a monopoly on gold purchases through a barter system at Mbunia and Kisenge mines. The soldiers organize all transport of beer, food and supplies to the mines, in exchange for gold at favourable rates. When production is limited, according to mining officials, the soldiers have allegedly beaten numerous diggers whom they believe to be lying to or cheating them. In February, mining authorities wrote a formal letter to military commanders denouncing those abuses. When the Group visited in July, they had not yet received a response.

244. The Group also received documents reporting on a meeting that mining authorities organized with diggers, traders, government officials and representatives of Dudu's battalion at Manguredjipa (see annex 43). In the meeting notes, participants accused the military of imposing "security" taxes on diggers and forcing them to carry merchandise to be sold in the mine. In addition, soldiers were accused of collaborating with groups of deserters who harass and loot mineral traders. Participants also denounced the unequal market competition between civilian and military mineral traders. They ended the meeting by asking Major Dudu's battalion to recognize its original mission and duty.

9. Ituri

Armed group involvement in the mineral trade

245. During a visit by the Group to the Ituri district of Orientale Province, the Group learned that some remnants of armed groups continued to persist in mineral-rich areas. Increasingly marginalized, FPJC and FPRI are active near remote gold mines, which they use as a source of financing.

Forces armées de la République démocratique du Congo involvement in the mineral trade

246. According to Congolese authorities, though, FARDC has increasingly become involved in the mineral trade. They reported to the Group that at gold mines near Geti, for example, all pits were taxed $20 or a half gram of gold every Tuesday by a "Major Abamungu". Those who were not able to pay the weekly tax were accused of supporting armed groups and arrested, according to the same sources.

247. Moreover, local officials informed the Group that General Amisi (see paras. 196-205) used several subordinate officers to oversee his mineral investments. Government officials cited five separate officers who were working for Amisi while deployed at the mining sites of Irumu, Aru, Mambasa and Mongbwalu. The recently appointed 11th Military Region commander, Colonel Fall, has attempted to suspend or rotate many of those officers in order to limit their involvement in the mineral trade. According to FARDC sources, however, Amisi intervened to ensure that the 13th brigade commander, Masudi Esperant, was not moved from the mines around Mongbwalu. Major Willy Nyangezi is alleged by the Congolese authorities to smuggle Amisi's minerals across the border to Uganda. According to mining officials, at least 80 per cent of mineral traders in Bunia sell their gold to Kampala.

B. Natural resources other than minerals

1. Timber trade

Armed group involvement in the timber trade

248. The Group has received testimony from multiple sources regarding the participation of FDLR in the timber trade, particularly in the forest surrounding Pinga in North Kivu. The planks are reportedly often transported and taxed by FARDC troops on their way to Goma. In South Kivu, FDLR is active in timber production throughout the Itombwe forest. According to multiple local sources, the Itombwe forest produces tens of thousands of wood planks per month, which are sold locally at $4 each. In collaboration with various Mai Mai groups, FDLR collaborates with a network of civilians living in Mwenga centre, sparking conflict with FARDC, which also seeks to control this commercial activity.

249. On 1 August, a coalition of FDLR and Mai Mai Nyakiliba decapitated two FARDC officers and killed a civilian guide and left a note placing the responsibility for the attack in the name of FPLC. The Group learned from multiple FARDC sources that those officers were in fact preparing to exploit timber in the region. While official sources claim the officers were sent alone on operations against FDLR, the killings appear to have been aimed at sending a warning to FARDC officers intent on encroaching on the business interests of FDLR.

Forces armées de la République démocratique du Congo involvement in the timber trade

250. Criminal networks within FARDC are increasingly involved in the timber trade throughout North and South Kivu. According to the Institut congolais pour la conservation du nature (ICCN), roughly 60,000 trees a year are needed to supply the wooden planks and rafters for the construction market in Goma alone. While he was commander of the 22nd Sector, Colonel Innocent Kaina controlled much of this traffic through his headquarters in Kitchanga. According to local sources, in the Bishusha *groupement* east of Kitchanga (in Rutshuru territory), soldiers of the 22nd Sector have cut down nearly all the trees outside the national park for local construction. The Group received multiple credible reports from local leaders that upon replacing Kaina, Colonel Zimurinda has organized efforts to cut down the Nganjo forest, south of Burungu. Following the death of the previous owner, Madame Merlo, in early 2010, FARDC troops invaded her properties along the road from Sake to Kitchanga, forcing the manager to authorize all timber exploitation on the land. During a visit the Group made to this area, FARDC soldiers claimed that the destruction of the forest was "due to the rain" (see annex 44).

251. According to FARDC sources, officers involved in this traffic often own trucks to ensure the transport of their timber. The Group directly observed trucks owned by Major Eustache based in Nyange transporting timber to Goma (see annex 45). The shipments are usually escorted by the soldiers so as to avoid payment of taxes. The Group obtained a letter from Colonel Sadam Edmun Ryngo, the commander of the 322nd brigade, requesting tax exemptions from customary chiefs (see annex 46). In South Kivu, former CNDP Colonel Eric Bizimana, the second-in-command of the 32nd Sector of FARDC based in Mwenga centre, is highly involved in the timber trade. According to United Nations sources, Bizimana, as well as other FARDC officers, purchased multiple chainsaws to equip two teams felling trees in the Kitamba and Kalundu areas 15 kilometres from Mwenga centre. Those efforts produce one truckload per week of up to 600 wooden planks.

252. In addition to being used in construction in major cities, timber is also exported from the Democratic Republic of the Congo. According to the Congolese national police, the commander of the 2,212th battalion based at Mpeti, Lieutenant Colonel Djolo Buhunda, and his second-in-command Lieutenant Colonel Douglas, have exported thousands of planks over the past year. According to the same sources, Major Kitenge, whose participation in this trade was documented previously (see S/2009/603, para. 186), exported 1,700 planks of wood between December 2009 and April 2010 through his loyal associate, Lieutenant Adana (see annex 47). The Group also received information from multiple credible sources that General Bosco Ntaganda remains active in the timber trade, as cited previously (ibid., para. 185). On one occasion, according to evidence viewed by the Group and held by the Congolese national police, Ntaganda used his own truck to transport over 500 wooden planks to Rwanda.

2. Illegal charcoal trade from the Virunga National Park

253. Owing to anti-charcoal operations conducted in 2010 along the eastern half of the southern and central sectors of the Virunga National Park by ICCN park rangers, illegal charcoal production is reported to have been halved in 2010 compared to the previous year. The Group has found that various armed groups, as well as criminal

networks within FARDC, continue to profit from the illegal charcoal trade from within the park. Upon visiting Rutshuru, Kiwandja, Rwindi, Kitchanga and Kiroliwe on both sides of the park, the Group observed numerous trucks carrying between 150 and 170 sacks (35 kg) of charcoal each (see annex 48). According to a Congolese environmental group, these trucks are also frequently seen within the park, along the "escarpments" of Kabasha, between Mebenga and Katanda, the barrier outside of Vitshumbi, and at Kahumiro. The Group received photographic evidence of some of the hundreds of charcoal kilns within the southern sector of the park alone, each with a production capacity of 2,100 sacks per day (see annex 49).

254. The charcoal trade is driven by demand in towns such as Goma, Beni, Rutshuru, Butembo, Kiwanja, Kitchanga and Sake. According to a comprehensive study conducted by an international NGO and a local university, nearly 50,000 tons of charcoal is sold each year in Goma alone, where over 97 per cent of the population of half a million rely on it as their only energy source. Local environmental NGOs informed the Group that charcoal from the park constituted at least 80 per cent of the Goma market, representing a total value of around $28 million annually. As charcoal made from the hardwood found in the park has a longer burn capacity, its value is much higher than that of charcoal made from eucalyptus trees. ICCN estimates that over 3 million cubic metres, or several hundreds of thousands of felled trees, are needed to produce this amount of charcoal, which is not only destroying the park, but also threatening numerous species of small animals.

Armed group involvement in the charcoal trade

255. The charcoal trade represents a significant source of financing and supplies for FDLR and the numerous Mai Mai groups within the Virunga National Park. While these groups previously taxed only the charcoal trade, the Group has received testimony from multiple sources indicating that FDLR and Mai Mai have taken the majority of the production themselves. According to ICCN, there is a significant concentration of FDLR, led by Major Fidel, with company-sized elements near Kahumiro and Kinyamohya. The FDLR splinter group, Soki, is also located in the park between the Rutshuru River and Masango. For their part, Mai Mai groups "La Fontaine", "Complet" and "Kasidien" all collaborate with FDLR in the illegal exploitation of charcoal.

256. The armed groups often receive military goods and weapons from the civilian population in exchange for sacks of charcoal. The populations surrounding the park in places such as Kibumba and Rugari transport clothes, food and even ammunition to FDLR-Mai Mai in exchange for sacks of charcoal. FARDC officers provide military uniforms and weapons to these middlemen to be traded. At both Sake and Kingi markets, FARDC are known to collaborate with FDLR. During a visit to Kingi, local FARDC soldiers informed the Group that Colonel Kaina had recently departed following a negotiation with FDLR regarding charcoal prices. According to local environmentalists, at Kahumiro, FARDC Lieutenant Colonel Claude Mosala collaborates closely with FDLR in the production of charcoal.

Forces armées de la République démocratique du Congo involvement in the charcoal trade

257. The Group has received testimony from numerous sources confirming the illegal trade of charcoal by Colonel Innocent Zimurinda of the 22nd Sector, whose former CNDP troops occupy the entire western side of the Virunga National Park. According to ICCN, Zimurinda's troops deny park rangers access to an area covering over 1,000 square kilometres, which is being progressively cut down in favour of pasture land within the park (see annex 50). During a visit to the settlement of Bwiza within the park in September, east of Kitchanga, local authorities informed the Group that they estimated that about 80 tons of charcoal from the park were sold each week at their market alone. Local residents in Kitchanga stated that nearly all the charcoal from the park was sold to the wives of high-ranking FARDC officers within the 22nd Sector. At times, those officers simply ordered the local population to produce directly for them without payment, according to the same sources. As with the timber trade, trucks owned by FARDC are exempt from all taxes on their way to Goma. While each sack is sold at $3 locally and resold in Goma for $25, the Group estimates that the Bwiza market alone produces over $700,000 in annual profit for the commanders of the 22nd Sector of FARDC. In addition, former CNDP officers control the charcoal markets of Burungu, Kirolwe, Kitchanga and Sake.

258. In order to counter the crackdown by ICCN on the eastern side of the central and southern sectors of the park, Colonel Nyamushebwa of the 502nd brigade and Colonel Nkundawera of the 131st brigade demand money for providing protection to illegal charcoal workers. The Group received "informant" cards indicating that Lieutenant Colonel Fiston of the 502nd brigade sells to hundreds of individuals each day who want access to the park (see annex 51). Each card costs $30 and is valid for one entry into the park. At the end of their work, they must provide FARDC with two sacks of charcoal before exiting the park. The Group obtained the Rwandan identity cards of individuals apprehended by ICCN during the first months of 2010 who participate in this illegal trade (see annex 52). When large amounts of charcoal are to be transported out of the park, soldiers of the 132nd brigade often block ICCN patrols by claiming that there are ongoing operations against FDLR.

3. Illegal fishing on Lake Edward

259. The Group has obtained testimony and reports from numerous sources attesting to the involvement of armed groups and criminal networks within FARDC in illegal fishing in Lake Edward within the Virunga National Park. In order to ensure sustainability, Congolese law regulates the size of fishnets and limits the number of dugout boats on the lake to 700, spread over three recognized fisheries: Vitshumbi, Kyavinyonge and Nyakakoma. Nevertheless, after years of war, numerous illegal settlements and fisheries have sprung up along the western coast of the lake. As a result, according to conservationists and ICCN, overfishing has seriously damaged the reproductive capacity of the lake, directly affecting food prices in the area.

Armed group involvement in illegal fishing

260. According to ICCN and researchers contacted by the Group, several Mai Mai groups control nearly a dozen fishing villages along the western coast of Lake

Edward. In July, one rebel killed a park ranger at a position close to Vitchumbi. FDLR has also been present in this area and is reported to have established collaborative relationships with the 131st brigade. Joint operations between ICCN and FARDC during the months of June and July led to an initial improvement in the situation regarding illegal fishing on Lake Edward, as well as the destruction of Mai Mai Muramba's base.

Forces armées de la République démocratique du Congo involvement in illegal fishing

261. As of July, the 131st brigade of Lieutenant Colonel Nkundawere controlled the entire southern and western shores of Lake Edward within the Virunga National Park. According to conservationists, in the Bays of Kibahari, Chondo and Kabale, many of the fishermen pay the 131st brigade $70 per week in exchange for armed escorts who protect them from ICCN park rangers. Regular fishermen pay $4 and five fish every time they return from the lake. Local NGOs have reported to the Group that they have observed how soldiers within the 131st brigade have provided weapons to children to conduct their illegal fishing.

262. On a number of occasions, ICCN was able to dislodge clandestine fisherman only to have the 131st brigade authorize their fishing once again. According to local conservationists and ICCN, on 11 May at Kachanga, park rangers arrested several illegal fishermen. Thirty minutes later, FARDC soldiers arrived shooting at the rangers' boat to free the fishermen. On 15 May, a FARDC soldier of the 131st brigade was arrested by ICCN for illegal fishing at Mwiga Bay only to be freed en route to the Military Prosecutor's Office in Goma.

Box 8

ICCN confrontation with former CNDP soldiers

In early July 2010, ICCN and FARDC Zone 1 agreed upon modalities for the demilitarization of the southern shores of Lake Edward. On 13 July, trucks were sent to Vitshumbi and Nyakakoma to facilitate the redeployment of members of the 131st and 133rd brigades. Nevertheless, both brigades refused to obey the orders and an armed standoff ensued between former CNDP elements within the brigades and a platoon of 30 park rangers. While some former Government soldiers agreed to depart, 250 former CNDP soldiers resisted, threatening to burn down the trucks. On 15 July, those same elements violently attacked and pillaged all goods at the ICCN camp at Vitshumbi, forcing the park rangers to flee. When reinforcements from former CNDP units around Kiwandja began moving towards Vitshumbi, the provincial director of ICCN offered to resign. According to ICCN park rangers, only after lengthy negotiations did the members of the two FARDC brigades eventually agree to be redeployed towards Kahumiro and Kibirizi.

263. The commander of the 2nd battalion of the 131st brigade is Lieutenant Colonel Charles Sematama. According to the park rangers, the 1,312th battalion taxes $100 for illegal reduced-sized nets and $10 per additional dugout boat. Other fishermen

pay $25 for a weekly pass (see annex 53). For sophisticated prohibited fishing techniques, fisherman must pay up to $70 per day. ICCN estimates that there are about 5,000 illegal fisherman and 1,500 illegal dugout boats on the lake protected by elements within FARDC. In addition, soldiers of the 131st brigade have their own boats and conduct their own fishing activities in military uniforms (see annex 54).

264. Since February 2010, park rangers have sought to retake control over the southern shores of Lake Edward. However, FARDC has reacted violently to their arrival, which led to armed confrontations in April after ICCN arrested a large number of illegal fishermen, including some soldiers. In May, following an ambush by FARDC against the park rangers near Rwindi, ICCN responded by killing three FARDC officers. In April, ICCN wrote a letter to the Commander of the 8th Military Region asking formally for the removal of FARDC from the park.

4. Poaching in Virunga National Park

265. The Group has received credible information that criminal networks within FARDC are involved in poaching within Virunga National Park. During the three months of March, April and May, local conservationists and environmental activists documented the killing of 144 wild animals by FARDC soldiers, including 26 elephants, 28 hippopotamuses and two lions in the central sector of the park alone. The Group has obtained photographic evidence of the carcasses of these animals and of the soldiers involved in the acts (see annex 55). During a visit to Rwindi, local sources and park rangers informed the Group that Lieutenant Colonel Sematama, commander of the 3,132nd battalion based at Vitchumbi, was responsible for killing dozens of hippopotamuses in the first five months of 2010.

266. According to local conservationists and environmental NGOs consulted by the Group, many soldiers within the 131st, 502nd and 132nd FARDC brigades provide weapons to civilians, sometimes even children, to hunt these animals. The hunters are provided compensation, often comprising two feet and the head from the carcass. The rest of the meat is given to the military to sell. The main traffic route is between Vitshumbi and Chondo, where FARDC controls the trade in bush meat for all the villages along the western coast of the lake. Other important bush meat markets include Kanyabayonga and Kibirizi. Each hippopotamus can be valued at upwards of $400 locally.

267. The Group learned from local environmentalists that the illegal traffic in ivory has increased in 2010, with middlemen residing in Butembo and Goma who buy from soldiers within FARDC. Park rangers have often found dry acid traps for elephant poaching planted throughout the park by individuals they say are under the protection of soldiers (see annex 56). Illegal traffickers of ivory and animal hides arriving from outside the park must pay the officers $20 per visit to the local clandestine bush meat market, which is also controlled by FARDC.

5. Violent land expropriations

268. During its mandate, the Group has observed a rise in the involvement of military units in land disputes and land grabs, which have frequently escalated into violence. The Group's research indicates that confusion over land titles procured during periods of war as well as tensions between customary practice and civil land laws continue to create a context in which military involvement in land conflicts is prevalent.

Armed group involvement in land expropriations

269. One of the more concerning cases is that of the village of Lukopfu, where local authorities outlined the conflict during a visit by the Group. The land in question lies on the hill of Bitongo, where the previous owner, Kalinda Albert, agreed to allow the local population to grow crops for many decades. Nevertheless, according to inhabitants of Lukopfu, his widow, Catherine Serenge, decided to sell the 400 hectares on Bitongo hill in 2008 to "Aloys Tegera". When the residents resisted this sale, the same sources informed the Group that cows were brought onto the land, destroying crops that they had been growing. Subsequently, according to United Nations sources, former CNDP soldiers under the command of Colonel Baudouin Ngaruye arrived to intimidate and harass the population.

270. Local leaders informed the Group that eventually a militia of around 25 FARDC deserters was formed under the command of Lieutenant Colonel Binebine. Over the course of 2010 according to MONUSCO records, this militia has been responsible for nine murders, six rapes and numerous cases of extortion and harassment of the local population of Lukopfu. On 23 August, this militia was officially installed at Bitongo hill in Lukopfu. The property manager, Jean Ruzindana, has been allegedly a close collaborator of Binebine. According to MONUSCO sources, Ruzindana was seen in September in Lukopfu with 20 new recruits from Kiroliwe.

271. The Group also documented a series of land grabs carried out by Hutu militias in Masisi territory. North of Masisi centre, an armed group called "the Mongols" has increasingly been involved in forcefully displacing local ethnic Hunde in order to commandeer their land. Linked to a former PARECO leader, Nyunga Munyamariba, who has since become a civilian administrator, the Mongols collaborate with both FDLR and the former CNDP within FARDC. According to government officials, owing to his entrenched economic and land interests in Masisi, Munyamariba has refused orders from Kinshasa to assume a higher administrative post outside of North Kivu.

272. For his part, Erasto Ntibaturama, a senior Hutu supporter of the CNDP rebellion, has also been cited for using his own private militia to resolve land disputes which he claims to have the right to distribute. Supported by former governor of North Kivu, Eugene Serufuli, Erasto has seized large concessions of land which he rents out to local farmers for a significant profit.

Forces armées de la République démocratique du Congo involvement in land expropriation

273. The Group also visited the village of Karuba and interviewed several victims of forced expulsion at the hands of soldiers under the command of the Zone 2 commander, Colonel Baudouin. More than 180 families were forced from their land at Tchaninga, in the Matanda *groupement*, by those forces at the request of Marie Karuretwa. According to local leaders, the *groupement* chief of Karuba was threatened by the same soldiers for sheltering those families and was forced to flee prior to the Group's visit.

274. Near Kitchanga, Senator Mwangachuchu has also been involved in a land dispute arising from the forceful annexation of 160 hectares surrounding his farm. According to development workers in the area, Mwangachuchu came personally to

negotiate with the local population accompanied by four high-ranking former CNDP officers, including General Ntaganda. The residents quickly accepted the Senator's offer to return 80 hectares.

275. The *groupement* of Tongo has also been the site of a land conflict in which the military has become involved. According to development agencies, the forest reserve of Rushugunda, extending 500 hectares, is currently disputed between two different cooperatives, Copraaka and Acopa. Major Kazarama Vianney, who is currently the spokesperson for the Amani Leo operations, is leading the attempts by Acopa to take ownership of the forest reserve. Land specialists informed the Group that on 23 January 2010, Major Kazarama used subordinate soldiers to drive out and arrest certain members of Copraaka. Subsequently, on 23 March, Kazarama employed the same force once again to arrest Copraaka members, along with destroying and looting their homes. Development agencies informed the Group that the top four leaders of Copraaka were eventually detained in Goma on 2 April.

276. The Group also documented a case in the vicinity of Minova in South Kivu, where soldiers intervened on behalf of a landowner. According to local government authorities, Victor Ngezayo[18] purchased land at Bulenga from Mwami Bernard Sangara, although the land was also claimed by another individual. MONUSCO informed the Group that Colonel Makenga, the South Kivu Amani Leo deputy commander, arrived with soldiers to secure the property against the other claimants of the land. According to the same sources, on 25 June Makenga's soldiers fired on the evicted owners when they attempted to return in the company of local authorities. One young man was killed and three others were injured. Ngezayo told the Group that he recognized the unfortunate necessity of calling upon Makenga's troops to intervene when local government authorities were not responsive to their concerns.

277. During its mandate, the Group conducted a mission to the area of Lukweti controlled by APCLS (see para. 44). While there, the Group interviewed local residents in surrounding villages to document attacks that they suffered at the hands of former CNDP soldiers during the first three months of 2010. The Group estimates that between the villages of Buboa, Mashango, Butsindo, Buendero, Kihara and Karoli alone, more than 30 people were killed, 150 houses were burned and 40 women were raped. Those displaced from the now abandoned town of Ndurumo explained to the Group that on 28 February more than 150 houses were burned and six individuals were killed. The unequivocal explanation that the villagers gave the Group was that all the attacks were meant to drive the local Bahunde population out so that former CNDP officers could take over the lush pasturage of the Lukweti zone. The Group has confirmed a movement of cows towards locations west of Lukweti, such as Bibwe and Nyange, where they are protected by former CNDP forces.

C. Conclusion

278. Following the examination of these case studies, the Group has learned that, that in certain areas of the Kivus, the exploitation of natural resources merely

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[18] Ngezayo was cited in S/2008/773, para. 124. He has since responded formally, and the Group has met him to discuss his concerns about the previous citation.

enables armed movements to sustain their efforts towards political objectives. However, the Group has noted that economic motivations are increasingly driving a significant portion of armed actors, including criminal networks of FARDC. Nevertheless, the pursuit of personal enrichment takes place in a socio-political context characterized by numerous injustices, some of which are only aggravated by the consequences of the militarization of the exploitation of natural resources. While certain armed groups may be motivated by the self-interest of their leaders, they nonetheless capitalize on some of these genuine socio-political concerns. If not credibly addressed, these issues will continue to present serious risks to stability.

Box 9

Economic interests drive deployments

The deployment of these criminal networks is increasingly driven by the desire to control natural resources. During its field investigations throughout the Kivus, the Group learned that newly deployed FARDC units have not been interested in pursuing armed groups or civilian protection. According to local leaders in one remote area, the first thing newly arrived officers often ask them is "Where are the mines?"

279. The Group also believes that the systematic involvement in natural resource exploitation by criminal networks within FARDC has created a conflict of interest with direct negative consequences for the security situation in the eastern part of the Democratic Republic of the Congo. Prioritization of personal economic interests by certain FARDC officers has undermined the capacity of the armed forces to execute its mandate of providing protection to the Congolese population. Local leaders consulted by the Group throughout the Kivus have complained on numerous occasions that FARDC is more focused on profiting from natural resources than on dealing with armed groups. National and international efforts aimed at strengthening the security sector will, the Group considers, continue to be undermined by the powerful interests of criminal networks in FARDC who benefit from a status quo characterized by insecurity and a proliferation of armed groups in the Kivus. The effects of the militarization of natural resources are seen are in several ways:

(a) *Operational priorities*. Commanding officers make decisions regarding deployments and operations against armed groups on the basis of the economic attractiveness of the particular zone. Areas rich in natural resources tend to be prioritized relative to zones where towns or villages are particularly vulnerable to security threats;

(b) *Diversion of resources*. Criminal, mafia-type networks within FARDC divert its already limited resources towards private economic tasks. Officers often send individual staff officers on missions to transport investment funds and buy, sell and oversee mining activities in pits. This includes deploying military intelligence officers and establishing branch offices with the explicit purpose of monitoring mineral-rich areas at the expense of gathering improved information on armed groups. Moreover, FARDC logistical capacities, including official vehicles and trucks, are frequently used for private business affairs, such as the transport of natural resources;

(c) *Internal competition.* The geographic location of areas rich in natural resources, rather than an analysis of the threat of armed groups, has become a critical factor in determining the assignment of command posts and the designation of military deployments from the zone, sector, brigade, battalion and company levels. Officers and whole units compete openly in order to obtain these deployments. Moreover, there is tension between Amani Leo units and the 8th and 10th Military Region commanders, with the latter marginalized and stripped of much of their operational capacity. The 8th and 10th Military Region commanders seek to carve out areas where they too can benefit economically, often bringing them into conflict with the Amani Leo commanders;

(d) *Insubordination and parallel chains of command.* Natural resource exploitation, in addition to fostering enduring loyalty to previous armed group affiliations, leads to parallel chains of command. For officers of FARDC, the standard command structure presents difficulties for their business investments. As such, they often bypass certain levels to protect brigade, battalion or company commanders and ensure they are deployed appropriately. Once posted, the officers are indebted to the superiors who were instrumental in their deployment. As a result, participants in these criminal networks are obligated to send money to their patrons, sometimes leading to Kinshasa. This phenomenon leaves younger officers unaccountable to their immediate superiors. If other high-ranking officers wish to redeploy them to other sectors, subordinate officers can even threaten to desert and join armed groups. In order to avoid some of these dilemmas, high-ranking officers have created special reserve battalions or sectors directly attached to their headquarters that are outside of the formal command structures. These units function as operational islands, often with explicit tasks related to natural resources;

(e) *Collusion with armed groups.* Criminal networks within FARDC at times collude with armed groups, thereby worsening security and enabling those networks indirectly to pillage mineral traders;

(f) *Undermining disarmament, demobilization, repatriation, resettlement or reintegration.* Former combatants from armed groups have repeatedly complained to MONUSCO of the abuses they suffer at the hands of FARDC officers. FARDC officers reportedly believe that armed group combatants seeking demobilization and repatriation may be carrying minerals, and as a result attack and sometimes kill them to simply steal all their belongings. These actions discourage combatants wishing to return home;

(g) *Lack of transparency.* Secrecy permeates the relationships among officers and between subordinates and their superior officers, as all fear having their private rackets taken from them. Also, officers understand that if they dare to denounce their superiors for abusive behaviour, they themselves may be redeployed to less economically beneficial zones. Finally, the lack of transparency in military revenues makes civilian oversight more difficult, particularly by democratic institutions such as national or provincial assemblies.

VIII. Transparency and traceability challenges for mineral supply chains from the eastern part of the Democratic Republic of the Congo

Customs, border control and transparency

280. The Government of the Democratic Republic of the Congo is continuing its efforts to modernize the customs and border police services, particularly in the east. Since March, with technical support from the Government of South Africa, the main border post at Goma in North Kivu has been equipped with a scanner with substantial capacity, which facilitates and accelerates the monitoring process, and has strengthened efforts to combat fraud and undervaluation.

281. New border police units have been trained in North Kivu and have been deployed mainly in Goma, Rutshuru district (Bunagana, Ishasa and Munyaga) and Beni district (Kasindi, Kamango and Butembo). This has improved the State's capacity to identify fraud in the trade in minerals heading east across the borders (see box below). According to the Coordination de la police des frontieres du Nord Kivu, more than 240 border police officers were trained in the Jules Moke Centre in Bukavu with the financial support of the Japan International Cooperation Agency. Those officers began work in November 2009. Fifty additional police officers were trained in Bunia with the financial assistance of the United States. They joined their detachments in March.

282. The Group has noted a new campaign by the Congolese customs authorities to combat corruption within its ranks. On 8 October, the director-general of the Office des douanes et accises, Déo Rugwiza, directed all customs officers to sign a statement certifying their non-involvement in corruption. It remains to be seen what follow-up measures will be taken by the authorities to verify those statements.

283. The Group established during the course of its investigations that while the Direction générale des migrations has circulated to its agents lists of internationally designated terrorists and terrorist organizations, it has not circulated a list of individuals and entities designated for targeted sanctions by the Security Council's sanctions committee concerning the Democratic Republic of the Congo.

284. Those whom the Group denounced for fraud in previous reports have in the main begun trading legally, apparently at the instigation and with the financing of Rwanda-based Minerals Supply Africa (MSA), which is one of the main buyers of minerals from the eastern area of the Democratic Republic of the Congo. MSA is the only buyer from nine *comptoirs* in North Kivu and the Bakulikira *comptoir* in South Kivu, spending on the order of $5 million per month. MSA imported 1,945 tons of cassiterite from the Democratic Republic of the Congo between 1 January and 31 July, according to Rwandan statistics (see annex 57). Encouragingly, these figures are nearly identical to the statistics given to the Group by the Congolese mine services concerning MSA.

Box 10

The challenge posed to traceability by smuggling

The Group was informed by the mining police of North Kivu that in a joint operation with border police in September they had apprehended a vehicle attempting to transport cassiterite undeclared across the border from Goma to Gisenyi, Rwanda. The investigations of the police led to a house in Goma that also contained cassiterite, but the police informed the Group that they had been blocked by judicial authorities. By the time the police gained access to the house, the minerals were no longer there. Three policemen were subsequently arrested and detained, but were soon released without charge.

Aviation

285. One of the main factors enabling the uncontrolled traffic of goods, including those related to the embargo, is the weak organization of air transport, inadequate airspace control and limited control and security in airports and on airstrips. Security services at airports are poorly paid and vulnerable to corruption.

286. Typically in the eastern area of the Democratic Republic of the Congo, the Group has observed planes unloaded by people without identity badges who leave the airport unchecked. The Group has observed passengers, who were often soldiers or their families, then travel with the transported goods. Airport staff interviewed by the Group said that they considered some cargoes "untouchable" because of the political or military status of their consignees. Lack of control over airspace is aggravated by the fact that the territory is not covered by radar, which means that it is possible that illegal flights are occurring without the knowledge of the authorities.

287. In Ituri, private flights arriving in Bunia from the gold mines of Doko and Watsa are not subject to checks. Onward exports to Uganda are declared to authorities who do not have the right to inspect such goods. The Group was informed of the transport of ammunition and military equipment to the FPJC militia by helicopter during the night of 22 May around Reti, Binjo and Bule in Nzungu territory (east of Bunia), but has not been able to verify this information. According to one person interviewed by the Group who claimed to be a witness, the serial numbers of the helicopter, which departed in the direction of Lake Albert, were hidden.

288. Congolese officials interviewed by the Group and by United Nations sources reported sightings of unidentified helicopters landing in the ADF-controlled Mwalika region, near Ruwenzori, on 25 May and 11 July. In the absence of proper airspace control, the identity and cargo of such flights cannot be verified.[19]

Mineral supply chain transparency and traceability

289. The Congolese authorities have introduced a range of measures designed to ensure traceability and transparency in mineral supply chains in the eastern part of

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[19] *Comptoirs* are contracting flights from privately owned air cargo companies; few of these companies accept the need for more effective regulation.

the country (see annex 58). Detailed certificates of origin are supposed to be issued to diggers by the authorities, indicating which mines their minerals come from. Yet provincial mining authorities do not yet compile disaggregated data on mineral output indicating the mines of origin.

290. Furthermore, traders who buy the material from diggers do not appear to receive copies of the certificates of origin of the minerals, and the authorization to transport minerals issued to traders by the Division of Mines indicates only the general origin of the minerals. Some *comptoirs* in Bukavu, in addition, informed the Group that for minerals flown into the city, mineral traders present them only with receipts from the air travel company, which provide even less information on the origin of minerals (see annex 59).

291. For this reason, *comptoirs* can determine the general origin of the minerals they buy only from the documentation provided to them by mineral traders. Since in many areas, including Itebero (see para. 187), minerals profiting FDLR and other armed groups are mixed with other material, this is a significant problem.

292. Prior to the ban on mineral production and trade introduced by the Government in September, the Group was informed by multiple credible sources, including Government officials, that smuggling levels for minerals from the eastern area of the Democratic Republic of the Congo overall were in decline. As in previous years, however, the Group has also received credible testimony regarding the activities of smuggling networks. For example, FARDC officers informed the Group that prior to the suspension of mining activities, Major Kayumba of the 5th Naval Force facilitated the smuggling of minerals across Lake Kivu between both Kalehe territory and Bukavu to Rwanda.

Box 11

ITRI Tin Supply Chain Initiative

An important mineral traceability initiative in the Great Lakes region being undertaken by the business community is the ITRI Tin Supply Chain Initiative.

The initiative aims to track minerals and provide verifiable provenance information for individual mine sites in the eastern area of the Democratic Republic of the Congo. It began in July 2009 with the launch of the first phase, involving the collection of all relevant documentation for the tin and tantalum supply chains in the area. A pilot project for the second phase of the initiative, which involves tagging minerals on site and along the supply chain, began in March at Nyabibwe, South Kivu, but suspended its activities after the ban on mining activities was imposed in September.

One of the challenges of providing for the traceability and transparency of minerals, and thus in ensuring due diligence, is that minerals whose extraction or trade has generated material benefits for parties to the conflict may be mixed in with minerals whose extraction has not generated such benefits. It is therefore vital for the credibility of the tagging process that this risk be eliminated.

Tagging is done twice in the pilot project, once at the mine and again at the point of trade. For other material to be introduced, it needs to be brought to the mine-tagging point, in contrast to the prevailing situation without tagging, when material can be introduced more easily. Some people have, however, been caught attempting to introduce non-tagged material into tagged bags. According to the project implementation team, the material came from the same mine, but had previously been covertly removed from the site to avoid taxation.

An additional check on the introduction of other material at the mine site is the project's monitoring of mine production, which should enable the detection of upward or downward movements not readily explainable by conditions on site.

Mineral traders consolidate the minerals they buy and are one of the main points of entry into the supply chain in the eastern part of the Democratic Republic of the Congo for minerals that have benefited parties to the conflict. In order to mitigate the risk of untagged material being introduced by mineral traders, the project requires that the weight of their tagged material not exceed the weight of the tagged material they purchased from the mine site. Mineral traders can, however, remove soil and rock from bags tagged at the mine site and replace it with other material, but this can be monitored by comparing the average mineral content in the ore from the mine site with the ore content in the mineral traders' tagged bags.

A further risk is tag theft and diversion. The risk has been mitigated by the project's recording which tags are allocated to which sites, making it possible to identify when tagged material comes from unexpected areas. In addition, each tag issued to miners and mineral traders records their name and other details, including those of the Government agent involved, making it possible to trace the circumstances of suspicious consignments. Some mineral traders have tried to reuse tags, but this has reportedly been easy to detect and prevent. At the same time, a unique numbering system for tags is designed to prevent the risk of fraudulent tag manufacture and use. Systems are also in place to prevent government agents stealing, selling or losing tags. Attempts by government agents to sell tags have been reported to the project by the local implementation committee.

In sum, the project has thus far given reasonable care and attention to mitigating the risk of material being fraudulently tagged. At the same time, the project appears practical to administer and can play an important role in providing traceability to tin and tantalum mineral supply chains.

The Group considers that the extension of the tagging project to Rwandan mines, announced in September 2010, could also make an important contribution to the regional traceability of minerals. The target is to achieve tagging of 75 per cent of the country's output by the end of 2010 and 100 per cent in 2011. If achieved, this would assist in determining what amount of the country's mineral exports comes from the Democratic Republic of the Congo.

Tagging contributes to traceability but does not address the conditions at the site where tagged material comes from and along the transport routes it passes from the site down the supply chain. It gives no indication, in itself, about which armed groups and/or FARDC may or may not be illegally benefiting. For this reason, while the tagging process can contribute to due diligence, it will need to be supplemented by on-the-ground assessments.

Gold supply chain traceability and transparency

293. The supply chain of gold from the eastern area of the Democratic Republic of the Congo is characterized by pervasive secrecy, with conditions and particularly security concerns inhibiting traders from declaring the amounts they really handle. The Group estimates, based on information received from gold traders, that North and South Kivu produce over 300 kilos of gold per month, representing annual net revenues for gold exporters of around $160 million.

294. The only functional gold-buying house in the two Kivu Provinces is Etablissement Namukaya (also known as Congocom), which is run by Evariste Shamamba. According to records he provided during a meeting with the Group, Shamamba officially exported only 11.5 kilos of gold during the first three months of 2010 (see annex 60). One of the exports took place in February, and the gold was shipped through Rwanda to Pinacle EPZ Traders in Nairobi (see annex 61). According to Congolese intelligence services, General Patrick Masunzu, commander of the 10th Military Region (see paras. 114 and 215), and his deputy, Colonel Nakabaka (see paras. 114, 218 and 230), are business partners of Shamamba. All of the mineral traders consulted by the group in Mwenga territory informed the Group that they sell to agents of Shamamba. Etablissement Namukaya also operates New Congocom Air, one of two air transport services in South Kivu that gathers gold and other minerals for Shamamba's wide network of field-based agents throughout the Kivus (see annex 62). Based on the reported production levels of mineral traders in Mwenga alone, the Group estimates that Shamamba purchases over 60 kilos of gold per month. Credible testimony which indicates that gold trafficking, including that which is orchestrated by Shamamba, has increased along the routes from Bujumbura and Bukavu to Kampala through Kigali in order to take advantage of tax incentives for exports from Uganda.

295. Another important purchaser of gold from the Kivus is the Bujumbura-based Mutoka Ruganyira (see S/2008/773, para. 93 and S/2009/603, paras. 140-159), based in Bujumbura. According to official Burundian export records provided to the Group, Mutoka's company, Berkenrode, exported gold from Burundi on 22 separate occasions in 2009, totalling 970 kilos (see annex 63). The next-largest exporter was Les Trésors de Tanganyika, which exported just under 9 kilos. According to the same records, in the first seven months of 2010, Mutoka exported only 110.4 kilos from Bujumbura in five separate exports, signalling a decrease in recorded export levels of 80 per cent from the previous year (see annex 64). Mutoka told the Group that he had decreased his business significantly in 2010. Nevertheless, according to several mineral traders in South Kivu, Mutoka's multiple buyers working throughout South Kivu continued to provide the same amount as in previous years. These same sources suggested to the Group that Mutoka may also be exporting

through Kampala. One gold trader alone from Bukavu sold over 15 kilos of gold to Mutoka in the months of September and October, according to Congolese intelligence services. The Group has identified the names and locations of at least five other Congolese suppliers of Mutoka who purchase throughout South Kivu, including from areas known to be controlled by armed groups and/or criminal networks within FARDC. During meetings with the Group, Mutoka expressed an interest in conducting due diligence on the origins of the gold he purchases in Bujumbura. However, he has yet to provide the Group with any concrete strategy or policy in this regard, continuing to claim that he purchases gold only from Burundi.

296. The Group has investigated networks that transport gold from the eastern part of the Democratic Republic of the Congo through regional capitals such as Kampala to refineries in the United Arab Emirates and Hong Kong, and considers it likely that other networks may be transporting it elsewhere too. The Group is also aware that many refineries worldwide have policies in place to refuse to buy gold from the Democratic Republic of the Congo, or indeed from anywhere in the Great Lakes and East African regions where they do not know its precise origin. Yet traceability once gold leaves a refinery is, in the opinion of gold experts, impossible, unless the refinery is treating gold from a single source. Even then, it seems, there is a strong likelihood that refined gold from a single source will at a later date be blended with gold from other sources.

297. The Group's understanding is that gold enters the United Arab Emirates with the knowledge of the authorities, but notes that the minimal documentation required to accompany gold shipments into the Emirates requires no information on the source or sources of the gold or who the final buyer is.

298. Within the United Arab Emirates, the Dubai Multi-Commodities Centre is formulating guidelines on the due diligence it requests of its members with respect to knowing their clients and mitigating the risk of being a party to money-laundering. The guidelines should contribute to improving members' due diligence with regard to the risk of direct and indirect support for illegal armed groups in the eastern part of the Democratic Republic of the Congo and sanctioned individuals and entities. Other regulatory authorities in the United Arab Emirates, however, require no such due diligence. The Group considers that all regulatory authorities in the Emirates should adopt the same standard with regard to the due diligence required of gold importers and refineries and that those standards should be mandatory.

299. In addition, the Group considers that more should be done by the authorities of the United Arab Emirates, and those of other countries importing gold for refining to tighten regulatory controls with regard to gold imports. Specifically, any gold sent to refineries or traders should be accompanied by:

(a) An original invoice from the exporter stating the consignee, and not just the refinery, with the full address;

(b) A certificate of origin;

(c) Proof that export taxes have been paid to the authorities of the country where the gold is said to originate.

300. The effectiveness of these requirements would be enhanced by a system for checking the authenticity of certificates of origin, preferably one that allows the

posting of certificates on secure Internet sites at the time of issuance, that could be cross-checked with the documents presented to the customs authorities of gold-importing countries. The consignee, receiver or importer of the gold should require full "know your client" (KYC) details from their suppliers or clients.

301. Were these reforms to be implemented, it would be possible, though still challenging, to trace artisanally mined gold from the Democratic Republic of the Congo, which would create the possibility, which does not exist at present, for individuals and entities importing, refining or consuming this gold to conduct the due diligence outlined in the present report.

302. Several projects are under way to commence industrial gold mining in the eastern area of the Democratic Republic of the Congo, most notably by the Canadian company Banro. Banro has told the Group that once production starts, the company is committed to ensuring that there is full traceability in the supply chain from its mine site to the refinery and that gold not mined by the company will not be able to enter this supply chain.

IX. Due diligence

A. Introduction

303. In paragraph 7 of resolution 1896 (2009), the Council calls for recommendations to the Committee for guidelines for the exercise of due diligence for importers, processing industries and consumers of mineral products regarding their purchase and sourcing (including steps to be taken to ascertain the origin of mineral products) from the Democratic Republic of the Congo, with particular reference to paragraph 4 (g) of resolution 1857 (2008).

304. The Group has worked closely with the Government of the Democratic Republic of the Congo on the issue of due diligence, and in particular with the Ministry of Mines. In addition, as requested by the Council in resolution 1896 (2009), the Group has taken advantage of and participated in the work done in other forums on this issue, including in particular the working group hosted by the Organization for Economic Cooperation and Development (OECD) on due diligence guidelines for responsible supply chains of minerals from conflict-affected and high-risk areas, the International Conference on the Great Lakes Region, the International Task Force on the Illegal Exploitation of Natural Resources in the Democratic Republic of the Congo, the *comptoir* associations of North and South Kivu, MSA and its suppliers, the Comimpa and Comider *creuseurs* associations, ITRI, the Electronics Industry Citizenship Coalition and the Global e-Sustainability Initiative.

305. Due diligence is a dynamic process whereby individuals and entities discharge their responsibilities with reference to a given standard. One such standard is that of respecting human rights, entailing that the due diligence of individuals and entities is to mitigate the risk of their infringing on the human rights of others. Yet the standard the Group understands the Council to have intended for importers, processing industries and consumers of mineral products through its reference to resolution 1857 (2008), paragraph 4 (g), is a narrower one, focused on mitigating the risks of the following adverse impacts:

(a) Support for armed groups in the eastern part of the Democratic Republic of the Congo;

(b) Violation of the asset freeze and travel ban on sanctioned individuals and entities.

306. The Group recommends a risk-based due diligence approach for importers, processing industries and consumers of mineral products, meaning that these individuals and entities need to assess and mitigate the risks of adverse impacts associated with their operations. "Mitigate" here means "to moderate in force or intensity".

307. This standard requires individuals and entities to mitigate their risk of supporting the following armed groups in the eastern part of the Democratic Republic of the Congo: FDLR, ADF, LRA and numerous Mai Mai militia. Significantly, excluded from the definition is FARDC, the armed force of the constitutional State, not an armed group. Similarly, other armed State services, including PNC, the mining police and ANR, are also not illegal armed groups and are therefore excluded.

308. The Group has outlined a due diligence process developed through an inclusive multi-stakeholder process hosted by OECD that informs importers, processing industries and consumers of mineral products from "red flag" locations[20] how to mitigate the risk of providing direct or indirect support for illegal armed groups in the eastern part of the Democratic Republic of the Congo and violating the assets freeze and travel ban on sanctioned individuals.

309. The Group's research in this matter during the course of its mandate has shown that there are other important participants in the supply chain of minerals from red flag locations. The Group recommends that in the interest of fairness and to enhance the effectiveness of the proposed measures, due diligence should be asked not just of importers, processors and consumers of mineral products, but also of the other main participants in the supply chain of minerals from red flag locations. The other main participants include the individuals and entities that transport the minerals and the institutions that provide the relevant financial services and insurance. The Group further considers that due diligence should apply to individuals and entities prospecting, exploring for and extracting minerals in the eastern area of the Democratic Republic of the Congo. The inclusion of other supply chain participants in the due diligence guidelines will require amendments to the guidelines, and the Group recommends that further study be given to this matter.

310. The issue of due diligence relates directly to the Council's earlier designation of sanctions criteria in resolution 1857 (2008), which included direct or indirect support for illegal armed groups in the eastern part of the Democratic Republic of the Congo through the illicit trade in natural resources. The due diligence recommendations presented in the present report offer individuals and entities guidance in this regard, identifying what they need to do to avoid being considered for sanctions, and goes further, advising them on what they can do to actively identify and mitigate their risk of providing such support. The Group therefore recommends that where there is manifest failure of individuals and entities to

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[20] "Red flag" locations here means the eastern part of the Democratic Republic of the Congo and other countries in the region through which minerals from that area are known to transit, including Rwanda, Burundi, Uganda, Kenya, the United Republic of Tanzania and the Sudan.

perform due diligence, as outlined in these guidelines, and where there is evidence that this has directly or indirectly benefited an armed group, this should be a criterion for the examination by the Council of the case for the imposition of targeted sanctions. Conversely, the Group recommends that evidence that an individual or entity has carried out due diligence should be considered a mitigating circumstance in such cases.

311. Resolution 1896 (2009) explicitly recognized the linkage between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms, calling it one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa.

312. The present report details many of the links between the illegal exploitation of and trade in natural resources and conflict in the Democratic Republic of the Congo. As the report shows, the Group has established this link not just with armed groups and individuals and entities subject to targeted sanctions, but also with criminal networks and perpetrators of serious human rights abuses within FARDC. As with the involvement of armed groups and individuals and entities subject to targeted sanctions, the role of criminal networks within FARDC in the illegal exploitation of natural resources is also a factor contributing to existing conflicts and the generation of new ones in the eastern part of the Democratic Republic of the Congo.

313. Importers, processing industries and consumers of mineral products from "red flag" locations require additional due diligence guidance in order to mitigate the broader risks of directly or indirectly supporting criminal networks and perpetrators of serious human rights abuses, particularly within the armed forces of the Democratic Republic of the Congo, and of directly or indirectly worsening the conflict in the east.

314. Mitigation of the risk of worsening the conflict is also the intent of the due diligence guidelines of the OECD-hosted working group, which have gained backing from the 11 States members of the International Conference on the Great Lakes Region (Angola, Burundi, the Central African Republic, Congo, the Democratic Republic of the Congo, Kenya, Rwanda, Uganda, the Sudan, the United Republic of Tanzania and Zambia). There has been full participation in the production of the OECD-hosted working group's due diligence guidelines from NGOs and relevant business associations, including ITRI, the World Gold Council, the Tantalum Niobium International Study Centre and the Electronic Industry Citizenship Coalition. In addition, the broad consensus across those groups has been that due diligence guidance concerning the trade in minerals from conflict and high-risk areas such as the Democratic Republic of the Congo should be harmonized with other global common standards.

315. Because of the Group's finding of multiple links between conflict in the eastern part of the Democratic Republic of the Congo and the involvement of criminal networks within FARDC in mineral exploitation and trade, and to promote consistency between global efforts to define the due diligence required to mitigate the risk of trade in "conflict" minerals, including those of OECD, the Group recommends additional due diligence guidance. The additional guidance concerns how to mitigate the risks of direct or indirect support for criminal networks and/or perpetrators of serious human rights abuses within the armed forces and the broader impact of direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo.

316. The Group is aware that due diligence on its own is unlikely to stop conflict in the area. Nonetheless, it considers that both sets of due diligence guidelines outlined herein will, if implemented, have a positive impact, particularly if complemented by security sector reform and implementation of the other recommendations set out in the present report.

317. The Group recommends the adoption of the second, expanded due diligence option because it addresses more comprehensively than the first the factors generating insecurity in the eastern part of the Democratic Republic of the Congo. The second option is also more consistent with other due diligence guidance relating to commercial activity in conflict-affected and high-risk areas. If, however, the first, narrower due diligence guidance is endorsed by the Committee, the Group's mandate should include the evaluation of its impact and effect, and whether or not broader due diligence, as proposed in the second option, is required.

318. Relevant individuals and entities in this guidance are individuals and entities that import and/or process and/or consume minerals from red flag locations and to whom this due diligence guidance therefore applies. The Group recommends that, whether relevant individuals and entities conduct risk-based due diligence with regard to the narrow or the broad standard, they adopt the same five steps. The five steps were developed by the Group and other stakeholders through the OECD-hosted working group and are fully elaborated in the OECD due diligence guidance for responsible supply chains of minerals from conflict-affected and high-risk areas. The steps are:

(a) Strengthening company management systems;

(b) Identifying and assessing risk in the supply chain;

(c) Designing and implementing a strategy to respond to identified risks;

(d) Ensuring independent third-party audits;

(e) Publicly disclosing supply chain due diligence and findings.

319. The Group recommends that relevant individuals and entities refer to the OECD guidance for further details on due diligence requirements.

B. Methodology

320. Within the Democratic Republic of the Congo, the Group has worked closely on due diligence with the Ministry of Mines and other Government agencies, including the Office des douanes et accises, the Office congolais de contrôle, PNC, the mining police, the Small-Scale Mining Technical Assistance and Training Service (Service d'assistance et d'encadrement du Small Scale Mining, SAESSCAM), members of the national and provincial assemblies, the Governor of North Kivu and FARDC (including its *auditorat militaire*). The Group has further consulted extensively on due diligence with MONUSCO, the Fédération des entreprises congolaises (at the national, regional and urban levels), the North and South Kivu associations of *comptoirs* and MSA and the *comptoirs* that supply it. The Group has also worked on due diligence with the Association des négociants de minerais du Nord Kivu, the Coopérative minière de Mpama, Walikale, the Association des creuseurs, Walikale, and mineral traders in Itebero. Among the Congolese NGOs the Group consulted on due diligence are the Pole Institute, Table

ronde, Comité de suivi of Walikale and civil society associations in Walikale, Itebero, Kamituga and Lugushwa.

321. Within the region, the Group has consulted on due diligence with representatives of the International Conference on the Great Lakes Region secretariat and the mining ministries of Rwanda, Uganda and Burundi.

322. Internationally, the Group has discussed due diligence with Germany's Bundesanstalt für Geowissenschaften und Rohstoffe and has studied its mineral certification schemes for the Democratic Republic of the Congo and Rwanda. The Group has held discussions and consultations on due diligence with Government representatives from Belgium, Brazil, Canada, China, France, Lebanon, Malaysia, Nigeria, the United States and the United Kingdom. The Group has also held discussions with the World Bank, the United Kingdom authorities and the Ministry of Mines about their joint Promines initiative to develop the mining sector of the Democratic Republic of the Congo.

323. As indicated, the Group has participated in the work of the OECD-hosted working group on supply chain due diligence and in the work of the International Task Force on the Illegal Exploitation of Natural Resources in the Democratic Republic of the Congo (see para. 304).

324. The Group has taken extensive note of the traceability scheme being piloted in the eastern part of the Democratic Republic of the Congo by a United Kingdom-based tin industry association, ITRI. The Group has also studied the proposed smelter auditing scheme being developed by the Electronics Industry Citizenship Coalition and supported by the Global e-Sustainability Initiative.

325. The Group has, in addition, discussed due diligence and related issues with and received important contributions from, inter alia, the World Gold Council, the Responsible Jewellery Council, the London Bullion Market Association, the Dubai Multi-Commodities Centre, the Fair Labor Association, Amalgamated Metal Corporation (London), Emirates Gold and Kaloti Jewellery Group (Dubai), Yunnan Tin Group (China), Victoria Gold Star refinery (Uganda), Malaysia Smelting Corporation (Malaysia), Banro (Canada), and, from the Democratic Republic of the Congo, Ernest Blattner Afromet, Tengen and Lynceus Group.

326. The Group has held discussions and consultations on due diligence with international NGOs, including Global Witness (United Kingdom), Enough and PACT (United States), the International Peace Information Service (Belgium) and Partnership Africa Canada.

C. Options

1. Due diligence guidelines for importers, processors and consumers of minerals from red flag locations to mitigate the risk of providing direct or indirect support for armed groups in the eastern part of the Democratic Republic of the Congo and violations of the asset freeze and travel ban on sanctioned individuals and entities

Step 1: strengthening company management systems

327. There are four main elements to this part of the process. First, relevant individuals and entities should adopt, publicly disseminate and clearly communicate

to suppliers a supply chain policy for minerals originating from red flag locations, and incorporate it into contracts with suppliers. The supply chain policy should include the following elements:

> Recognizing the risk of support for illegal armed groups in the eastern part of the Democratic Republic of the Congo and the violation of the asset freeze and travel ban on sanctioned individuals and entities,[21] associated with extracting, trading, processing and consuming minerals from red flag locations, we commit to respect, publicly and widely disseminate and clearly communicate the following policy:
>
> (a) We will not tolerate any direct or indirect support to armed groups from the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals or entities through the extraction, trade, processing and consumption of minerals. "Direct or indirect support to armed groups and/or sanctioned individuals and entities" means making payments to, or otherwise providing logistical assistance to, or extracting, trading, processing and consuming minerals where illegal armed groups in the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals or entities or their affiliates (including *negociants*, consolidators, intermediaries and any others in the supply chain who work directly with armed groups to facilitate the extraction, trade or handling of minerals) are:
>
> (i) In physical control of the mines of origin or transportation routes from the mines;
>
> (ii) Demanding forced or compulsory labour from any person, under the threat of violence or other penalty, who has not voluntarily offered to mine, transport, trade or sell minerals;
>
> (iii) Illegally taxing or extorting money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded;
>
> (iv) Illegally taxing, extorting or controlling intermediaries, export companies or international traders;
>
> (v) Illegally financing mining activities;
>
> (b) We will mitigate the risk of support for armed groups in the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals and entities by immediately suspending or discontinuing engagement with upstream suppliers where we identify a reasonable risk that they are sourcing from, or are linked to, any party providing direct or indirect support to illegal armed groups and/or sanctioned individuals or entities through the extraction, transport, trade, processing, handling or consumption of minerals.

328. Second, relevant individuals and entities should structure their internal management systems to support due diligence, including:

(a) The assignation of sufficient authority and responsibility in this regard to staff.

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[21] www.un.org/sc/committees/1533/pdf/1533_list.pdf

(b) The provision of sufficient resources, ensuring that relevant information concerning due diligence, including company policy, reaches relevant employees and suppliers;

(c) Ensuring internal accountability with respect to the implementation of due diligence.

329. Third, relevant individuals and entities should establish effective systems of control and transparency over the mineral supply chain. The nature of these systems will vary according to the mineral being traded, with the gold supply chain exhibiting characteristics different to those for tin, tantalum and tungsten, and according to the position of the individual or entity in the supply chain.

330. For those in the "upstream" of the mineral supply chains, that is to say from mine sites in the eastern part of the Democratic Republic of the Congo to smelters or refineries, the objective of these systems of control and transparency should be to establish, document and verify:

(a) The nature and exact origin of the minerals to the level of the quarry or pit shaft (*carrière*) and the date, method and quantity of their extraction. The documentation collected should include all the documents required by the Congolese authorities in this regard (see annex 58);

(b) The value and beneficiaries of all taxes, fees, royalties and other payments made, including to armed groups and/or sanctioned individuals and entities, at or near the mine site and at any other point on the supply chain;

(c) The exact locations where minerals are consolidated, traded, processed or upgraded;

(d) All upstream intermediaries involved in the supply chain.

331. The information should be relayed down the supply chain from the mine site to the smelter or refinery. Over time, the quality of this information should improve as a result of due diligence implementation by relevant individuals and entities, which should in turn yield improved risk assessments.

332. Individuals and entities receiving the information specified above from those further upstream in the supply chain should not simply assume it to be accurate, but should instead take appropriate and effective measures to verify its accuracy. Individuals and entities that do not receive any or all of this information from those upstream of them should take effective extra measures to obtain the information.

333. The data should be held for at least five years, preferably in computerized form, and should be made available to downstream purchasers and auditors.

334. Cash purchases should be avoided where possible. Where cash purchases are used, they should be supported by verifiable documentation and preferably routed though official banking channels.

335. Relevant individuals and entities should support the implementation of the principles and criteria set out under the Extractive Industries Transparency Initiative.[22]

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[22] See http://eiti.org.

336. For those in the "downstream" of the mineral supply chains, that is to say from smelter or refinery to consumer or end-user, the objective of these systems of control and transparency should be:

(a) To identify the smelters or refineries in their supply chains;

(b) To establish, document and verify whether the smelters or refineries they source from are themselves sourcing minerals from red flag locations;

(c) To require smelters and refineries processing material from red flag locations to provide them with evidence of their supply chain due diligence, as detailed above;

(d) To assess the accuracy of the evidence provided by these refineries or smelters regarding their supply chain due diligence;

(e) To take effective extra measures to obtain relevant information on due diligence not provided by upstream suppliers.

337. All relevant individuals and entities should strengthen their engagement with their suppliers to ensure that they commit to the supply chain policy, standards and processes contained in this guidance. To that end, relevant individuals and entities should seek:

(a) To establish long-term relationships with suppliers;

(b) To communicate this due diligence guidance to them;

(c) To build it into contracts and other written agreements that can be applied and monitored, including the right to unannounced spot checks and access to relevant documentation;

(d) To design measurable improvement plans with suppliers.

338. All individuals and entities should develop mechanisms allowing any interested parties to voice and record concerns regarding the circumstances of mineral extraction, trade, handling and export in red flag locations, particularly in relation to the involvement of armed groups in the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals and entities.

Step 2: identifying and assessing risks in the supply chain

339. Relevant individuals and entities need to identify and assess the risks of providing direct or indirect support to armed groups and to sanctioned individuals and entities through the import, processing or consumption of minerals from red flag locations.

340. Individuals and entities in the "upstream" of mineral supply chains in the eastern part of the Democratic Republic of the Congo should use the information collected via step one and gather additional relevant information through their own or jointly conducted on-the-ground assessments in order to map the supply chains and assess risk effectively. Mapping supply chains includes determining their factual circumstances, assessing the security context, clarifying the chain of custody, activities and relationships of all upstream suppliers and identifying the locations and qualitative conditions of the extraction, trade, handling and (where relevant) export of the mineral. While on-the-ground assessments may be performed by or on behalf of multiple relevant individuals and entities, each remains individually

responsible for identifying their own risk of providing direct or indirect support to armed groups and to sanctioned individuals and entities through the import, processing or consumption of minerals from red flag locations.

341. Individuals and entities in the "downstream" of supply chains of minerals from red flag locations need to assess the due diligence practices of their smelters and refineries, which will include the assessment of the due diligence practices of their upstream supplies. Assessments may include conducting spot checks on the facilities of smelters and refineries.

342. To assess their risk of providing direct or indirect support to armed groups in the eastern part of the Democratic Republic of the Congo and/or individuals and entities subject to sanctions, all relevant individuals and entities both the upstream and downstream of mineral supply chains should assess the factual circumstances of their supply chains against the supply chain policy outlined above. Inconsistencies between factual circumstances and the supply chain policy should be considered as indicative of the risks of providing direct or indirect support to armed groups and/or to sanctioned individuals and entities.

Step 3: designing and implementing a strategy to respond to identified risks

343. The Group recommends that where risks of providing direct or indirect support to armed groups in the eastern part of the Democratic Republic of the Congo or to sanctioned individuals or entities are identified, the response should be disengagement from the relevant upstream suppliers until the risk has been removed. Disengagement may be accompanied by mutual agreement of the performance objectives and quantitative indicators with regard to the risks that need to be met before a trading partnership may resume.

344. Relevant individuals and entities should regularly review their risk mitigation strategies to ensure that they remain informed of the relevant factual circumstances of their supply chains and continue to evaluate them against their supply chain policy. Strategies to prevent such risks should be amended in the light of changes to relevant factual circumstances.

Step 4: ensuring independent third-party audits

345. There needs to be some independent checks to ensure the credibility of the due diligence process, to acknowledge individuals and entities that are carrying out due diligence and to identify individuals and entities that are not carrying out due diligence and that are providing direct or indirect support to armed groups and/or sanctioned individuals and entities, with a view to possible sanctions.

346. The Group recommends that, at a minimum, refineries and smelters be independently audited to examine their due diligence process so as to mitigate the risk of providing direct or indirect support to armed groups from the eastern part of the Democratic Republic of the Congo and/or to sanctioned individuals and entities. The audits should specifically determine the conformity of the refinery's or smelter's due diligence to the standards and processes contained in this guidance.

347. Smelter/refinery auditing should be evaluated to assess whether it captures sufficient information to enable a reasonable inference of relevant individuals' and entities' compliance or non-compliance with due diligence at the smelter/refinery level and upstream from the mine site. If, upon review, it is established that

smelter/refinery auditing captures insufficient information to justify imposing sanctions on individuals and entities that have not complied with due diligence, it may also be desirable for individuals and entities trading minerals from red flag locations from the level of *comptoir* to the smelter or refinery to be independently audited in this regard.

348. In accordance with international auditing standards (and individuals and entities should consult ISO 19011:2002 for detailed audit requirements), audit organizations and team members must be independent of auditees and must not have conflicts of interest with them. The auditors must be competent to assess the due diligence practices of the relevant individual or entity and would also benefit from knowledge of the evolving economic and political context in the eastern part of the Democratic Republic of the Congo. Performance indicators may be used to monitor the ability of the auditors to conduct the audit.

349. Auditors should examine samples of all documentation and other evidence produced by the smelter's or refinery's supply chain due diligence for minerals from red flag locations in order to determine whether the due diligence is sufficient to identify and prevent the risk of providing direct or indirect support to armed groups based in the eastern part of the Democratic Republic of the Congo and/or to sanctioned individuals and entities. Documentation may include but should not necessarily be limited to documentation on supply chain internal controls, relevant communications and contractual provisions with suppliers, documentation generated by company fact and risk assessments, documents on risk mitigation strategies and their implementation and relevant documents supplied by third parties.

350. Auditors should then gather further evidence and verify the information presented to them by conducting relevant interviews, making observations and reviewing documents. Auditors should conduct on-site investigations, including of the smelter or refinery and a sample of its suppliers, visiting the whole supply chain down to the mine site if necessary. Auditors should meet with and seek relevant information from a wide variety of sources, including joint assessment teams, local and central government authorities, the FARDC *auditorat militaire*, diggers' associations, the Group of Experts, MONUSCO and civil society organizations.

351. Auditors should report, based on the evidence they have gathered, on the conformity of the smelter's or refinery's due diligence with this guidance. Auditors should make recommendations for the smelter or refinery to improve its due diligence.

352. The establishment of an institutionalized mineral supply mechanism would, in the Group's view, enable more consistency in the findings of auditors regarding due diligence implementation and strengthen the credibility of these findings. The Group recommends, therefore, that the Council give consideration to endorsing or recommending the establishment of an institutionalized mineral supply mechanism that would oversee and support the audits of smelter/refinery due diligence with regard to direct and indirect support for illegal armed groups based in the eastern part of the Democratic Republic of the Congo and sanctioned individuals and entities. The mechanism would accredit auditors, oversee the execution of audits, share audit reports, receive and follow up on grievances of interested parties with the relevant individual or entity and share experiences on mitigation strategies.

353. However, even in the absence of such a body, due diligence implementation by relevant individuals and entities should still be subject to independent audits.

Step 5: publicly disclosing supply chain due diligence and findings

354. Relevant individuals and entities should publicly and voluntarily report on the due diligence they have undertaken to mitigate the risks of the provision of direct or indirect support to armed groups and/or to sanctioned individuals and entities. This information should form part of annual sustainability or corporate responsibility reports and should include:

(a) The individual or entity's supply chain policy;

(b) Information on how the individual or entity's system of control and transparency over the mineral supply chain is implemented and who is responsible for it;

(c) Relevant quantitative and qualitative information that the individual or entity's system of control and transparency over the mineral supply chain has generated, particularly relating to the risk of the provision of direct or indirect support to armed groups and/or to sanctioned individuals and entities, including the value and beneficiaries of all taxes, fees, royalties and other payments made or suspected to have been made, including to armed groups in the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals and entities, at or near the mine site and at any other point in the supply chain;

(d) The individual or entity's assessment of the risk of providing direct or indirect support to armed groups in the eastern part of the Democratic Republic of the Congo and/or to sanctioned individuals and entities, and including the value and beneficiaries of all taxes, fees, royalties and other payments made or suspected to have been made, including to armed groups in the eastern part of the Democratic Republic of the Congo and/or sanctioned individuals and entities, at or near the mine site and at any other point in the supply chain;

(e) The individual or entity's risk mitigation strategy and information about its implementation to date.

355. Smelters and refineries that have had their due diligence audited should, in addition, publish the audit reports, with due regard for business confidentiality and competitive concerns, which means, without prejudice to subsequent interpretations, price and supplier relationships. In the event of the establishment of an institutionalized audit mechanism, relevant individuals and entities should disclose all due diligence information to this mechanism.

2. Due diligence guidelines for the responsible supply chain of minerals from red flag locations to mitigate the risk of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo; criminal networks and/or perpetrators of serious human rights abuses, particularly within the State's armed forces; armed groups in the eastern part of the Democratic Republic of the Congo; and violations of the asset freeze and travel ban on sanctioned individuals and entities

356. The due diligence process under option 2 uses the same five steps as in option 1, but the relevant standard has been expanded to include mitigation of the

risks of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo and direct or indirect support for criminal networks and/or perpetrators of serious human rights abuses, particularly within the armed forces.

357. Step 1 is the same as in option 1, with the following changes: the supply chain policy should recognize the risk of direct or indirect support for conflict, criminal networks and/or perpetrators of serious human rights abuses in the eastern part of the Democratic Republic of the Congo, particularly within the State's armed forces, in addition to the previously stated risks of support for illegal armed groups and/or violations of the asset freeze and travel ban on sanctioned individuals and entities, and should state that the relevant individual or entity will not tolerate such support.

358. The supply chain policy should therefore additionally state that:

> We will not tolerate any direct or indirect support for criminal networks and perpetrators of serious human rights within the armed forces of the Democratic Republic of the Congo through the extraction, trade, processing and consumption of minerals. "Direct or indirect support for criminal networks and perpetrators of serious human rights within the armed forces of the Democratic Republic of the Congo" means making payments to or otherwise providing logistical assistance to, or extracting, trading, processing and consuming minerals where criminal networks and perpetrators of serious human rights within the armed forces or their affiliates (including *négociants*, consolidators, intermediaries and any others in the supply chain that work directly with armed groups to facilitate the extraction, trade or handling of minerals) are:
>
> (a) In physical control of the mines of origin, or transportation routes from the mines;
>
> (b) Demanding forced or compulsory labour exacted from any person, under the threat of violence or other penalty, who has not voluntarily offered to mine, transport, trade or sell minerals;
>
> (c) Illegally taxing or extorting money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded;
>
> (d) Illegally taxing, extorting or controlling intermediaries, export companies or international traders;
>
> (e) Illegally financing mining activities.
>
> We will mitigate the risk of providing direct or indirect support to criminal networks and/or perpetrators of serious human rights abuses within the State's armed forces by:
>
> (a) Refusing to enter into business relationships with serving military personnel or their representatives;
>
> (b) Eliminating direct or indirect support to public security forces that illegally control mines of origin, transportation routes and upstream actors in the supply chain; illegally tax or extort money or minerals at points of access to mine sites, along mineral transportation routes or at points where minerals are traded; or illegally tax or extort upstream intermediaries, export companies or international traders;

> and will suspend or discontinue engagement with upstream suppliers after failed attempts at mitigation and without measurable and substantial improvements within six months. In the case of suspension, we shall re-engage with upstream suppliers after a minimum period of three months, by mutual agreement of an improvement plan, stating the performance objectives and quantitative indicators with regard to mitigating those risks that need to be met before a trading partnership may resume.

359. For those in the "upstream" of the mineral supply chains, that is to say from mine sites in the eastern part of the Democratic Republic of the Congo to smelters or refineries, the objective of their systems of control and transparency should, in addition to those outlined under option 1, be to establish, document and verify the value and beneficiaries of all taxes, fees, royalties and other payments made to the State's armed forces at or near the mine site and at any other point on the supply chain.

360. Relevant individuals and entities in both the upstream and downstream of mineral supply chains should adapt the mechanisms recommended under option 1, allowing any interested parties to voice concerns regarding the circumstances of mineral extraction, trade, handling and export in the eastern part of the Democratic Republic of the Congo by extending their scope to the involvement of the State's armed forces.

361. Step 2 is the same as in option 1, except that relevant individuals and entities need also to identify and assess the risks of providing direct or indirect support to criminal networks and perpetrators of human rights abuses, particularly within the State's armed forces, through the import, processing or consumption of minerals from red flag locations. As under option 1, while on-the-ground assessments can be performed collectively, relevant individuals and entities remain individually responsible for identifying their own risks.

362. The method of risk assessment is the same as under option 1, but this time with inconsistencies between factual circumstances and the supply chain policy to be additionally considered as risks of providing direct or indirect support to criminal networks and perpetrators of human rights abuses, particularly within the State's armed forces, as well as to armed groups, and/or sanctioned individuals and entities.

363. For step 3, the Group considers it appropriate for relevant individuals and entities to design and implement strategies to mitigate the risks of providing direct or indirect support to criminal networks and perpetrators of human rights abuses, particularly within the State's armed forces that are different to the strategies they design and implement to mitigate the risks of providing direct or indirect support for armed groups and/or sanctioned individuals and entities.

364. Strategies to mitigate the risks of providing direct or indirect support to criminal networks and perpetrators of serious human rights abuses, particularly within the State's armed forces, should ensure that where the State's armed forces and other security services are present at mine sites and/or surrounding areas and/or along trade routes, they progressively cease any illegal involvement in mining and trade in minerals, including through illegal taxation and extortion of money or mineral shares, and that they are present solely to maintain security and the rule of law.

365. Relevant individuals and entities should be aware that it is illegal under Congolese law for any members of FARDC to be involved in any aspect of the extraction, handling, trade or processing of minerals (see annexes 20 and 21) and should respect and obey the laws even where they are not enforced.

366. Any payments to the armed forces at or around mine sites or at any other stage in the supply chain should be solely for the provision of security and the rule of law and should be done transparently and via appropriate civilian structures, such as the provincial or national administration.

367. Strategies to mitigate the risk of directly or indirectly supporting criminal networks and perpetrators of serious human rights abuses, particularly within the State's armed forces, do not readily yield quantitative indicators, but must nonetheless be regularly, thoroughly and systematically evaluated by those implementing them to assess their impact. The evaluations should be considered by auditors examining smelter/refinery due diligence. The Group recommends that individuals and entities conducting these evaluations refer to the Group's description of the different types of military involvement in mining in paragraph 178 to assist in this process. If the evaluation finds that within six months of the strategy's initiation there is no substantial progress towards its ends, the strategy should shift to suspension or discontinued engagement with the supplier for a minimum of three months. Suspension may be accompanied by mutual agreement on an improvement plan stating the performance objectives and quantitative indicators with regard to mitigating the risks that need to be met before a trading partnership may resume.

368. As under option 1, relevant individuals and entities should regularly review their risk mitigation strategies to ensure that they remain informed of the relevant factual circumstances of their supply chains, and continue to evaluate them against their supply chain policy. Strategies to mitigate the risks should be amended in the light of changes to relevant factual circumstances.

369. Steps 4 and 5 are the same as under option 1, although under option 2 relevant individuals and entities should, in addition, publicly and voluntarily report on the due diligence measures they have undertaken to prevent any direct or indirect support for criminal networks and perpetrators of serious human rights abuses, particularly within the State's armed forces. Accordingly, they should provide additional relevant quantitative and qualitative information that the individual or entity's system of control and transparency over the mineral supply chain has generated relating to the risk of the provision of direct or indirect support to criminal networks and perpetrators of serious human rights abuses, particularly within the State's armed forces. This should include the value and beneficiaries of all taxes, fees, royalties and other payments made to the State's armed forces at or near the mine site and at any other point on the supply chain.

X. Recommendations

370. The Group of Experts recommends that the Security Council:

(a) Endorse the Group's recommendations on guidelines for due diligence called for in paragraph 7 of resolution 1896 (2009) to mitigate the risk of further exacerbating the conflict in the eastern part of the Democratic Republic of the Congo by providing direct or indirect support:

(i) Illegal armed groups in the area;

(ii) Violations of the asset freeze and travel ban on sanctioned individuals and entities;

(iii) Criminal networks and perpetrators of serious human rights abuses, particularly within the national armed forces;

(b) Call upon Member States, in particular the Democratic Republic of the Congo, neighbouring countries and countries whose companies are active in the mining sector in the Democratic Republic of the Congo, to take appropriate legal measures to incorporate the due diligence guidelines into national legislation;

(c) Call upon MONUSCO, as it continues to provide conditional support to FARDC in compliance with the provisions of resolution 1925 (2010), to pay due attention to the risks of working with commanders known to be involved in the illegal exploitation of natural resources and to strengthen the Mission's gathering of information around mining sites and important minerals trading centres, including trading centres;

(d) Mandate MONUSCO to further strengthen its support to the justice system in the Democratic Republic of the Congo by including specific training of prosecutors in the investigations of economic crimes, and provide MONUSCO with the capacity to support investigations by the Military Prosecutor's Office of economic crimes committed by FARDC personnel;

(e) Call upon donors:

(i) To continue to support the reinforcement of the justice institutions in the Democratic Republic of the Congo, with a focus on economic crimes, including by providing MONUSCO with technical expertise to implement military justice capacity-building;

(ii) To provide resources for the training of mining and border police investigating economic crimes;

(iii) Support regional systems of certification to distinguish between national production and export and the re-export of minerals from the Democratic Republic of the Congo;

(iv) In the context of protecting civilians, to provide financial support for projects to improve the reach of telecommunications to isolated areas of the eastern part of the Democratic Republic of the Congo so as to enhance the ongoing development by MONUSCO of community early warning alert networks;

(v) To provide funding for demobilization and reintegration components of the STAREC programme;

(f) Encourage the International Conference on the Great Lakes Region and regional States to establish a forum of prosecutors to enhance information-sharing and joint action to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources;

(g) Call upon development partners to provide technical support for a land title review in the Kivus.

371. The Group of Experts also recommends that the Security Council specifically encourage the Government of the Democratic Republic of the Congo:

(a) To establish and give full political support to a mobile, investigative economic crimes unit within the Military Prosecutor's Office;

(b) To review and reinforce national legislation addressing the involvement of the military in economic activities such as mining;

(c) To ensure that the FARDC Staff Headquarters imposes specific disciplinary sanctions on those implicated in land conflicts and the illegal exploitation of natural resources;

(d) To identify, suspend and prosecute FARDC commanders using children as escorts or obstructing efforts to separate children from their ranks;

(e) To develop, publish and commit to a plan of action in compliance with resolutions 1612 (2005) and 1539 (2004);

(f) To conduct an independent evaluation and audit of the PAREC programme, including records of the weapons collected and their identifying markings;

(g) In the context of disarmament, demobilization, repatriation and reintegration of foreign combatants, to give renewed consideration to the resettlement of foreign combatants to third countries and to provide additional support and incentives for demobilization programmes of Congolese armed groups as an alternative to continued integration into the national army, including tailored programmes for the youth;

(h) To cooperate with the United Nations and donors in the harmonization and coherence of security sector reform efforts.

Annex 1

List of meetings and consultations[a]

Belgium

Government

Ministère des affaires étrangères

Organizations

Channel Research
European Commission
European Union Special Representative for the Great Lakes Region
International Task Force on the Illegal Exploitation of Natural Resources in the Democratic Republic of the Congo
International Peace Information Service
European Network for Central Africa

Burundi

Government

Ministère de l'energie et des mines
Service national de renseignement
Police nationale du Burundi

Organizations

International Conference on the Great Lakes Region
International Crisis Group

Private sector

Berkenrode

Canada

Government

Ministry of Foreign Affairs

Other political parties

Paul Dewar, member of Parliament

Organizations

Peacebuild

Private sector

Yunnan Tin Group

Note: The annexes are being circulated in the language of submission only.

[a] Some names of local organizations have been withheld from this list.

Democratic Republic of the Congo[b]

Government

Administration Provinciale du Nord Kivu
Administration Provinciale du Sud Kivu
Administration provinciale de la Province Orientale
Agence nationale de renseignement
Auditorat militaire
Banque centrale du Congo
Bureau du Conseiller spécial pour la sécurité auprès du Président de la République
Centre d'évaluation, d'expertise et de certification
Direction générale des migrations
Office des douanes et accises
Forces armées de la République démocratique du Congo
Ministère des mines
Institut Congolais pour la conservation de la nature
Police nationale congolaise
Police des mines
Régie des voies aériennes
Service d'appui et d'assistance au *small-scale mining*

Organizations

Arche d'alliance
Benenfance
Bundesanstalt für Geowissenschaften und Rohstoffe
Bureau pour volontariat
Coalition to Stop the Use of Child Soldiers
Comider
Comité de suivi, table ronde, Walikale
Concert d'action pour jeunes et enfants défavorisés
Coopérative minière Mpama Bisiye
Enough
Human Rights Watch
International Alert
International Rescue Committee
Norwegian Refugee Council
Oxfam
Office for the Coordination of Humanitarian Affairs
Office of the United Nations High Commissioner for Refugees
Pact
Pain pour les déshérités
Pole Institute
Save the Children
Search for Common Ground
Union des creuseurs artisanaux de Lugushwa
Union pour le développement et la protection de l'environnement
United Nations Children's Fund

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[b] The Group met twice with Victor Ngezayo in Goma and noted his concerns about the references to him in the Group's final report for 2008 (S/2008/773).

United Nations Development Programme
United Nations Human Settlements Programme
United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Diplomatic representations

British Embassy
Embassy of Belgium
Embassy of the United States of America

Private sector

Afromet
ANEMNKI
Aurex Gold
Blattner Group
Établissement Namukaya
Donson International
Fédération des entreprises
Geminaco
Lynceus Group
Metchem
Minerals Processing Congo
Panju
Tengen
TransAfrika Resources
Socagremine
WMC

France

Government

Ministère des affaires étrangères

Organizations

Organization for Economic Cooperation and Development
PAC

Private sector

Intel
Motorola

Kenya

Organizations

FAFO
Fair Labour Association
Revenue Watch
World Gold Council

Private sector

Anglogold
Cronimet
Ford Motor Company
Malaysia Smelting Corporation
Rand Refinery
Resource Consulting Services
Tantalum Niobium International Study Centre

Rwanda

Government

Ministry of Forestry and Mines
Ministry of Foreign Affairs
Ministry of Defence
Ministry of Justice
National Revenue Authority
National Prosecutor's Office
Commission nationale de démobilisation et de réinsertion

Diplomatic representations

British Embassy
Embassy of Belgium
Embassy of France

Uganda

Government

Ministry of Mines and Energy
Ministry of Foreign Affairs
Ministry of Defence
Military Intelligence
External Security Organization

Organizations

Enough
International Organization for Migration

Diplomatic representations

British Embassy
Embassy of Belgium
Embassy of France
Representation of South Sudan

Private sector

Victoria Star Gold Refinery
Rhino Exploration

United Arab Emirates

Organizations

Dubai Multi-Commodities Centre

Private sector

Emirates Gold
Kaloti Jewellery

United Kingdom

Government

Foreign and Commonwealth Office
Department for International Development
All Party Parliamentary Group on the Great Lakes

Organizations

Global Witness

Private sector

Amalgamated Metals Corporation
ITRI
London Bullion Market Association
Mineral Supply Africa

United States of America[c]

Government

State Department
Treasury

Diplomatic representations to the United Nations

Permanent Mission of the Democratic Republic of the Congo
Permanent Mission of Belgium
Permanent Mission of Brazil
Permanent Mission of Burundi
Permanent Mission of China
Permanent Mission of France
Permanent Mission of Germany
Permanent Mission of Lebanon
Permanent Mission of Nigeria
Permanent Mission of Rwanda
Permanent Mission of Uganda
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland

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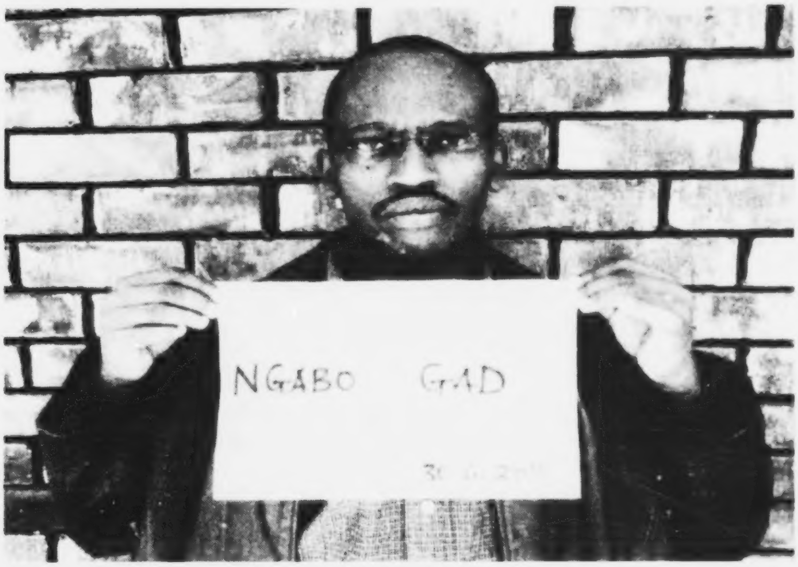
[c] The Group acknowledges receipt of a 150-page document submitted by the United States-based legal representatives of Tribert Rujugiro requesting a withdrawal of the references to Mr. Rujugiro in the Group's final report for 2008 (S/2008/773), and intends to assess the document in due course.

Annex 2

Photograph and short biography of Ngabo Gadi



- Ethnic Tutsi (Gogwe clan) from Ngungu in Masisi territory.
- According to most sources he is a relative of General Bosco Ntaganda and Wilson Nsengiyumva.
- A soldier of the Rwandan Patriotic Army as of 1993.
- AFDL intelligence officer during the 1996-1997 "Liberation War".
- July 1997: reported to be part of the Zulu Battalion of Major John Butera, tasked with clearing the axis Kisangani-Bukavu of all "*forces génocidaires*".
- Late 1998: While an RCD soldier, he went into hiding after stealing a World Food Programme vehicle in Uvira and trying to sell it in Goma.
- 1999: In Kampala, with Bosco Ntaganda and others, Gadi joined the RCD-Kisangani of Prof. Wamba dia Wamba.
- Moved to Ituri at unknown date. Some link Gadi with the UPC, others with Chief Kawa's PUSIC.
- Left the Democratic Republic of the Congo again to settle in Kampala and run several businesses.
- Mid-2009: Linked with recruitment activities allegedly organized by Bosco Ntaganda in Kampala.
- January 2010: Declared FPLC's agenda on Radio Okapi.
- 29 June 2010: Arrested by Ugandan military intelligence; released without charge but kept under surveillance.

Annex 3

Political programme of FPLC distributed in early 2009

F.P.L.C.

FRONT PATRIOTIQUE POUR LA LIBERATION DU CONGO

MANIFESTE

1. DEFENSE ET SECURITE

Le fplc protégera et défendra jalousement, les personnes et leurs biens contre toutes menaces internes comme externes.

Il y aura zéro tolérance aux violations des droits humains.

Le fplc s'emploiera à restaurer la souveraineté et l'intégrité du pays, a fin que les congolais se lèvent haut pour faire parti du concert des nations.

Il est regrettable que l'appareil entier de l'Etat en l'occurrence l'armée et le service sécuritaire soit à la base de toute forme de services qui accablent la population, laquelle ils prétendent protéger et cela en toute impunité.

2. ENRACINEMENT DE LA CORRUPTION

Le fplc ne tolérera pas la corruption sous toute ses formes.

A ce jour, elle a filtré tous les secteurs de la vie congolaise, de la plus haute autorité de l'Etat jusqu'à la base. Dont le président de la république, les ministres les membres du parlement, du sénat, l'appareil judiciaire, tous constituent un système pourri et corrompu.

Les agents locaux téléguidés par les sociétés multinationales et certaines puissances étrangères, pillent à dessin les richesses de notre peuple au grand jour. Ceci devra s'arrêter tant que leurs jours sont comptés. Le fplc élaborera une stratégie efficace pour déraciner ce vice. Le gouvernement actuel de Kinshasa ne mérite pas du tout d'être à la commande des affaires de l'Etat congolais.

3. BONNE GOUVERNANCE ET TRANSPARENCE

Le fplc rendra compte au peuple Congolais de la gestion des affaires de l'Etat à tous les niveaux.

Le peuple à travers ses représentants, aura le droit d'être tenu au courant des décisions prises sur les questions économiques; sociales; politiques et sécuritaires.

Le fplc encouragera des débats sur les questions d'actualités qui affectent le congolais à tous les niveaux de représentations.

4. EMANCIPATION ECONOMIQUE

Le fplc s'engage à la tache inévitable de la transformation économique du Congo et de sa modernisation. Les ressources du Congo sont légendaires et ils ont attiré la convoitise et l'admiration de tous.

Malheureusement ces richesses n'ont pas profité ou citoyen Congolais à cause de l'inconscience, égoïsme et absence du patriotisme des gouvernants. Le fplc est convaincu que cette abandonte richesse naturelle et humaine doit être sagement évaluée, exploitée, sauvegardée au profit du peuple.

Promouvoir l'industrie sera le gage du fplc en passant par la construction des infrastructures nécessaires.

L'apport des partenaires étrangers sera hautement apprécié dans differents domaines.

Notre rêve de transformer notre société encore sédentaire en une nation moderne et technologiquement avancée nous sera désormais permis.

5. PROTECTION DE L'ENVIRONNEMENT

Le Congo est abondamment doté d'une riche faune et flore, des minéraux et un climat enviable. Le fplc sauvegardera ces ressources et adoptera une politique délibérée qui prendra en compte la santé, la sécurité et un écosystème écologiquement amical alors qu'elle poursuivra son but de développement.

6. CONSTRUCTION DES INFRASTRUCTURES ECONOMIQUES ET SOCIALES

Il n'y a plus aucune infrastructure en RDC. Tous les fonds destinés à la construction d'infrastructures, sont détournées et volées par les agents de l'Etat, laissant les Congolais ordinaire sans hopitaux, routes, écoles etc. Le fplc investira suffisamment dans ce domaine vital afin que le Congolais à la base puissent accéder à ces services vitaux et essentiels.

La construction des routes, aérodromes/ aéroports et chemins de fer seront réalisés pour relier tous les coins du pays a fin d'assurer des interactions sociales, le commerce domestique, le marché régionale et sortir vers les pays voisins. Les Congolais souffrent encore de la malnutrition et des maladies qui ont été éradiquées partout ailleurs, ceci à cause de la mauvaise gouvernance. Le fplc investira lourdement dans le domaine de la santé, agriculture et éducation. Les enfants devront bénéficier d'une éducation gratuite à partir du niveau inférieur jusqu'aux plus hautes institutions d'enseignement. Nous feront appel à nos frères et sœurs de la diaspora qualifiée pour nous aider à développer ce secteur.

7. LES INSTITUTIONS POLITIQUES FORTES COMME PRELUDE DE LA DEMOCRATIE

La liberté d'expressions, associations et mouvements des Congolais, leurs propriétés seront assurées et défendues à tout prix dans le temps et l'espace.

Nous mobiliserons notre population pour renforcer ses droits civiques, sa liberté de base comme antidote à la dictature, à la corruption et à la mauvaise gouvernance.

Nous travaillerons avec les organisations de la société civile et autres organes démocratiquement disposés à mobiliser la population à cet égard.

Nous devrons créer des conditions et des structures démocratiques fortes qui soutiendront les organes politiques responsables à l'égard de tous les congolais. La volonté et le vouloir de la population sera suprême.

8. L'ERADICATION DE LA PAUVRETE, IGNORANCE, MALADIE EVITABLE ET CURABLE

Le fplc utilisera les ressources nécessaires pour construire des écoles, universités, colleges et instituts spécialisés; centre d'apprentisage des metiers pour instruire notre population.

Il y aura une éducation libre et gratuite à l'école primaire jusqu'à l'ecole secondaire et professionnelle. L'accent sera mis sur la science et la technologie.

Une Politique délibérée sera formulée pour extirper la pauvreté de la population congolaise.

Le fplc construira et soutiendra des centres de santé au niveau de chaque quartier. Les hôpitaux de référence seront réhabilités et des nouveaux seront construits et soutenus.

9. LA REINTEGRATION DE LA POPULATION CONGOLAISE ET ZERO TOLERANCE A L'INTERVENTION ETRANGERE

Depuis le mi — 19e siècle à ce jour, le Congo à été témoin de la profanation de ses précieuses terres par des empires et gouvernements étrangers. Nos ressources ont été pillées et saccagées. Les hommes ont été tués, nos femmes, nos mamans, nos sœurs et enfants violées. Quelques uns de nos illustres chefs tel que patrice Lumumba, Joseph Kasavubu, Kisasu Ngandu, les généraux Ilunga et Masasi Nindaga et bien d'autres personnalités progressistes ont été assassines.

Il existe encore des armées étrangères sur notre sol,pendant que,les Congolais doivent déterminer eux même leur sort et destin.

Le fplc lance un appel pressant a toutes les armées étrangères aussi bien qu'aux groupes armées négatives d'abandonner leurs aventures et de quitter notre sol.

Nous sommes prêts à mobiliser nos forces vives pour les bouter dehors.

Le fplc encouragera tous les étrangers Congolais de rentrer au pays pour participer à sa reconstruction. Ceux qui ont été déplacés par les décennies des guerres et ceux qui ont fuit les services de la dictature seront installer ou ils voudront dans leur vaste pays bien aime.

10. LA COOPERATION REGIONALE ET OBSERVATION DES LOIS INTERNATIONALES

Le fplc s'engage au respect mutuel des valeurs et de l'intégrité du territoire des pays voisins.

Nous sommes convaincu que c'est à travers des grands blocs économiques que nous pourrons harmonieusement nous développer avec les autres Africains historiquement fragmente`s.

Le fplc adhère à la reconnaissance et au respect des corps et des lois internationales.

Annex 4

Home of Colonel Innocent Kabundi (FARDC Zone 3 Operations Commander, South Kivu) located at Kabaragasha, near Burungu, which was attacked on 2 June 2010 by FPLC commander Emmanuel Sengyumva

Annex 5

FDLR regional resistance committees

The Group has received information from FDLR sources about eight FDLR regional resistance committees, covering Central Africa, West Africa, Southern Africa, Australia, Western Europe, Eastern Europe, Scandinavia and North America.

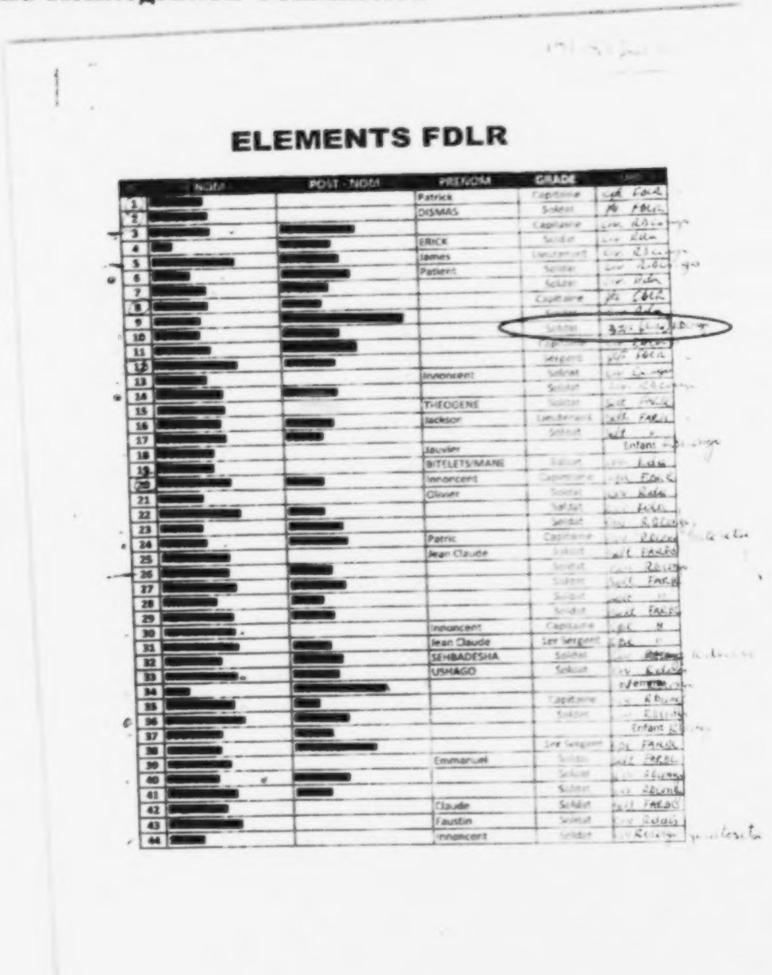
Each is led by a president and vice-president and includes advisers charged with "political mobilization and propaganda", "security and documentation", "information", "finance", "social affairs and reconciliation", "reconstruction" and "youth". Regional resistance committees are responsible for recruiting new members, fund-raising, implementing decisions of the FDLR Executive Committee and establishing local resistance committees at the country level.

The Group has information indicating the existence of local committees in the following countries (some of which cover neighbouring countries as well):

- Southern Africa: South Africa, Zimbabwe, Kenya, Malawi, Zambia, Australia
- West Africa: Côte d'Ivoire, Togo, Senegal
- Central Africa: Congo, Chad, Central African Republic

Annex 6

Paix et réconciliation manifest of "FDLR elements" with comments after screening by the Rwandan Demobilization and Reintegration Commission[a]



ELEMENTS FDLR

	NOM	POST - NOM	PRENOM	GRADE	[illegible]
1	[redacted]		Patrick	Capitaine	[illegible]
2	[redacted]		DISMAS	Soldat	[illegible]
3	[redacted]	[redacted]		Capitaine	[illegible]
4	[redacted]	[redacted]	ERICK	Soldat	[illegible]
5	[redacted]	[redacted]	James	Lieutenant	[illegible]
6	[redacted]	[redacted]	Patient	Soldat	[illegible]
7	[redacted]	[redacted]		Soldat	[illegible]
8	[redacted]	[redacted]		Capitaine	[illegible]
9	[redacted]	[redacted]		Soldat	[illegible]
10	[redacted]	[redacted]		Soldat	[illegible]
11	[redacted]	[redacted]		Capitaine	[illegible]
12	[redacted]	[redacted]		Sergent	[illegible]
13	[redacted]		Innocent	Soldat	[illegible]
14	[redacted]	[redacted]		Soldat	[illegible]
15	[redacted]		THEOGENE	Soldat	[illegible]
16	[redacted]	[redacted]	Jackson	Lieutenant	[illegible]
17	[redacted]	[redacted]		Soldat	[illegible]
18	[redacted]		Jauvier		Enfant [illegible]
19	[redacted]		BITELETSIMANE	Soldat	[illegible]
20	[redacted]	[redacted]	Innocent	Capitaine	[illegible]
21	[redacted]		Olivier	Soldat	[illegible]
22	[redacted]	[redacted]		Soldat	[illegible]
23	[redacted]	[redacted]		Soldat	[illegible]
24	[redacted]	[redacted]	Patric	Capitaine	[illegible]
25	[redacted]		Jean Claude	Soldat	[illegible]
26	[redacted]	[redacted]		Soldat	[illegible]
27	[redacted]	[redacted]		Soldat	[illegible]
28	[redacted]	[redacted]		Soldat	[illegible]
29	[redacted]	[redacted]		Soldat	[illegible]
30	[redacted]		Innocent	Capitaine	[illegible]
31	[redacted]	[redacted]	Jean Claude	1er Sergent	[illegible]
32	[redacted]	[redacted]	SEHBADESHA	Soldat	[illegible]
33	[redacted]	[redacted]	USHAGO	Soldat	[illegible]
34	[redacted]	[redacted]			[illegible]
35	[redacted]	[redacted]		Capitaine	[illegible]
36	[redacted]	[redacted]		Soldat	[illegible]
37	[redacted]	[redacted]			Enfant [illegible]
38	[redacted]	[redacted]		1er Sergent	[illegible]
39	[redacted]		Emmanuel	Soldat	[illegible]
40	[redacted]	[redacted]		Soldat	[illegible]
41	[redacted]	[redacted]		Soldat	[illegible]
42	[redacted]		Claude	Soldat	[illegible]
43	[redacted]		Faustin	Soldat	[illegible]
44	[redacted]		Innocent	Soldat	[illegible]

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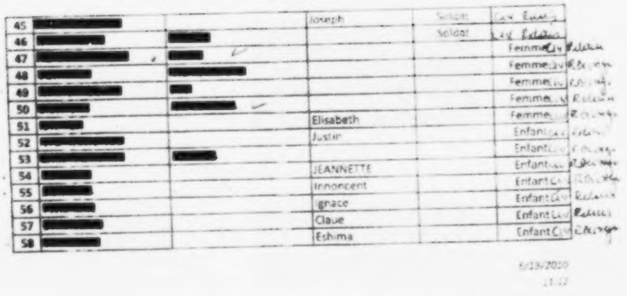
[a] Identities concealed by the Group.

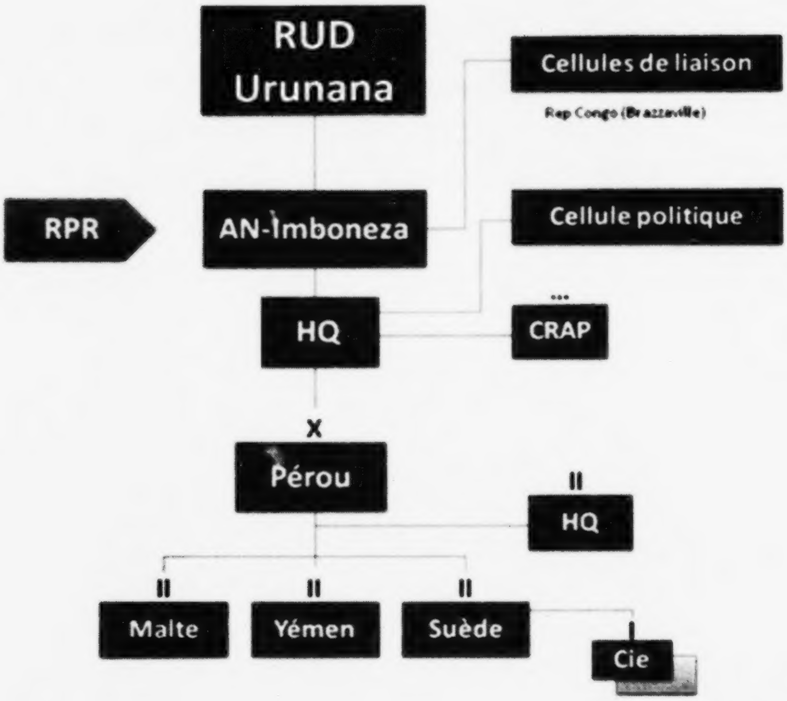


45	[redacted]		Joseph	Soldat	Civ [illegible]
46	[redacted]	[redacted]		Soldat	Civ Relâché
47	[redacted]	[redacted]			Femme Civ Relâché
48	[redacted]	[redacted]			Femme Civ Relâché
49	[redacted]	[redacted]			Femme Civ Relâché
50	[redacted]	[redacted]			Femme Civ Relâché
51	[redacted]		Elisabeth		Femme Civ Relâché
52	[redacted]		Justin		Enfant Civ Relâché
53	[redacted]	[redacted]			Enfant Civ Relâché
54	[redacted]		JEANNETTE		Enfant Civ Relâché
55	[redacted]		Innoncent		Enfant Civ Relâché
56	[redacted]		Ignace		Enfant Civ Relâché
57	[redacted]		Claue		Enfant Civ Relâché
58	[redacted]		Eshima		Enfant Civ Relâché

5/13/2010
11:12

Annex 7

Structure of RUD-Urunana


RUD
Urunana
Cellules de liaison
Rep Congo (Brazzaville)
RPR
AN-Imboneza
Cellule politique
...
HQ
CRAP
X
Pérou
II
HQ
II
II
II
Malte
Yémen
Suède
I
Cie

Annex 8

Communiqués from Felicien Kanyamibwa and RUD-Urunana on events at Kasiki

1. **URL:** http://umoya.org/index.php?option=com_content&view=article&id=4795

Date published: 18 December 2009
Text: Le 27 Janvier 2009, un accord entre le CND et le gouvernement de la RDC a été signé à Rome. L'accord prévoyait la création d'une zone de paix dans et autour de Kasiki, où les gens qui ne veulent pas se battre ou fuyant les combats devraient être regroupés en vue de recevoir une protection et assistance humanitaire.

Par conséquent, il est clair que, en attaquant le camp la coalition RDF / FARDC voulait massacrer tous les occupants et, par là même, torpiller une fois pour toutes le processus de paix que le CND et le gouvernement de la RDC avaient entrepris à Kinshasa en Janvier 2008, puis continué à Pise et Rome en Mai 2008,avec la facilitation de la Communauté de Sant'Egidio et solidifié à Rome en Janvier 2009 avec le ferme soutien de la Communauté Sant'Egidio, l'Eglise du Christ au Congo (ECC) et SIT-Norvège. À ce jour, nous ne savons pas où se trouvent la plupart des survivants du pogrom de Kasiki, ainsi que les combattants RUD-Urunana/RPR et leurs personnes à charge.
Signed by:
Felicien Kanyamibwa, PhD
Président
National Democratic Congress (NDC) - Congrès National pour la Démocratie (CND)
New Jersey, USA.
[Comment: Felicien Kanyamibwa is also the RUD-Urunana secretary-general]

2. **RUD-Urunana press release published 1 March 2009:**

RUD-URUNANA
Urunana rw'Abaharanira Ubumwe na Demokarasi
Ralliement pour l'Unité et la Démocratie
Rally for Unity and Democracy

Tel: 001-201-794-6542 /
001-506-461-3919
Email: urunana@optonline.net
url: www.rud-urunana.org

COMMUNIQUE DE PRESSE PP/NO. 01/MAR/09
REGROUPEMENT DE KASIKI: VIVES INQUIETUDES SUR LE SORT DES REFUGIES RWANDAIS

Les informations provenant du Nord Kivu font état d'une détérioration croissante des conditions sécuritaires à l'est de la RDC en général et dans le territoire de Lubero (Nord Kivu) en particullier. En effet, cet état vient d'être confirmé par les déclarations récentes de la Monuc, des organismes spécialisés des Nations Unies ainsi que des organisations locales de la société civile.

Notre organisation condamne avec fermeté les massacres qui auraient été commis contre les populations congolaises ainsi que la chasse aux réfugiés rwandais à la quelle se livreraient les forces de la coalition FARDC et l'armée rwandaise (RDF). Comme nous l'avions indiqué précédemment, plusieurs observateurs indépendants concurrent à faire remarquer que l'opération conjointe baptisée « Umoja Wetu » regroupant les forces armées de la RDC et du Rwanda a été un échec. Malheureusement, au lieu de contribuer à l'avènement de la paix dans la région, elle n'a fait qu'aggraver la souffrance des populations locales tout en faisant porter la responsabilité à l'ensemble des réfugiés rwandais établis dans la dite-région qui eux-mêmes sont pourchassés comme du gibier qu'on veut amener à l'abattoir. Plus particulièrement, notre organisation s'inquiète du sort des réfugiés rwandais qui étaient initialement regroupés sur le site de Kasiki, territoire du Lubero (Nord Kivu). En effet, il convient de rappeler que ces hommes, femmes et enfants ont dû quitter le centre de Kasiki début Février lorsque ils eurent vent de leur rapatriement forcé vers le Rwanda, et ce contrairement à toutes les conventions internationales en la matière. Cette opération devait être menée par les forces armées coalisées FARDC/RDF.

Il est extrêmement regrettable qu'au moment où une délégation des réfugiés venait d'effectuer une visite exploratoire au Rwanda en vue d'envisager un rapatriement sur base individuelle et volontaire, les gouvernements congolais et rwandais ont privilégié le recourt à la force pour contraindre les refugiés rwandais à rentrer au Rwanda. Nous tenons à rappeler au gouvernement congolais et à la Communauté Internationale que sur base du Processus de Kisangani, il était prévu que les réfugiés rwandais qui n'opteraient pas pour le retour seraient relocaliser à des endroits à convenir de commun accord.

N'ayant pas pu être à même de déterminer le sort des hommes, femmes et enfants, le Congrès National pour la Démocratie (CND), coalition RUD /RPR, demande au gouvernement congolais et à la Monuc de faire le compte à la Communauté Internationale où sont passées ces personnes qui étaient pourtant supposées être sous leur protection. Suite à une telle enquête qui devrait être indépendante, notre organisation demande avec insistance que les auteurs de ces actes criminels soient traduits devant une juridiction impartiale et indépendante.

Comme nous n'avons cessé de le dénoncer, les récents événements témoignent clairement que toute tentative de rapatriement forcé ne fait que se traduire en une massive perte en vies humaines innocentes tant du côté des réfugiés que des populations locales. Nous ne pouvons pas non plus passer sous silence la chasse à l'homme qui s'était abattue sur la région en 1996-1997 dans laquelle plusieurs centaines de milliers de réfugiés rwandais ont été froidement et impunément massacrés par l'Armée Patriotique Rwandaise (APR) et ses alliés sans oublier les multiples victimes au sein de la population congolaise. Les auteurs de ces massacres qui ont été qualifiés d'actes de génocide par les Nations Unies sont bel et bien connus et occupent des postes de haute responsabilité dans les sphères politiques et militaires du régime de Kigali.

Notre organisation reste convaincue que la solution définitive au problème des réfugiés rwandais passe par le Dialogue. C'est pour cette raison que le CND s'était investi de bonne foi dans le Processus de Kisangani. Bien que cette dernière opération militaire va se traduire par quelques gains politiques immédiats pour certains, il va, cependant, rendre difficile toute solution pacifique et définitive au problème des réfugiés dans la région.

Ainsi, comme il a été fait mention lors des travaux d'évaluation tenus dernièrement à Rome sous les auspices de la Communauté Sant'Egidio et d'autres observateurs internationaux, notre organisation réitère la demande faite auprès du Secrétaire Général des Nations Unies de nommer dans les meilleurs délais un Envoyé Spécial chargé spécifiquement de trouver une solution durable au problème des refugiés rwandais établis en RDC et dans la région.

Notre organisation reste cependant disposée à poursuivre toute avenue qui respecte les droits des réfugiés rwandais où qu'ils soient. Elle lance un appel solennel au régime de Kigali d'entamer un Dialogue avec son opposition afin de trouver de manière durable une solution définitive au problème politique rwandais qui est la source principale d'instabilité récurrente dans toute la région.

23 Mars 2009
DR. AUGUSTIN DUKUZE
PORTE-PAROLE

Annex 9

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo Disarmament, Demobilization Repatriation, Reintegration and Resettlement Section data on intentions of RUD combatants at Kasiki[a]

RUD Mapping at Kasiki Regrouping Site

ID Number	NAME	Sex	Status	Date of Birth	Age	Date of Registration	Address/AOR in DRC	Address in Rwanda	Preference (Relocation /Repatriation)
								Prefecture	
BW500100		M	Combatant	1961	47	6/9/08	MASHUTA		Repatriation
BW500200		M	Combatant	1946	62	6/9/08	MASHUTA	GISENYI	Repatriation
BW500300		M	Combatant	1990	18	6/9/08	MASHUTA		Repatriation
BW500400		M	Combatant	1969	39	6/9/08	MASHUTA	CYANGUGU	Repatriation
BW500500		M	Combatant	1966	42	6/9/08	MASHUTA	KIBUNGO	Repatriation
BW500600		M	Combatant	1974	34	6/9/08	MASHUTA	RUHENGERI	Repatriation
BW500700		M	Combatant	1963	45	6/9/08	MASHUTA	GISENYI	Repatriation
BW500701		F	Dependent	1905	31	6/9/08	KASIKI	RUHENGERI	Repatriation
BW500800		M	Combatant	1978	30	6/9/08	MBWAVINYWA	GISENYI	Repatriation
BW500801		F	Dependent	1986	22	6/9/08	KASIKI	KIGALI	Repatriation
BW500802		F	Dependent	2005	3	6/9/08	KASIKI	GISENYI	Repatriation
BW500803		F	Dependent	2007	1	6/9/08	KASIKI	GISENYI	Repatriation
BW500900		M	Combatant	1966	41	6/9/08	MASHUTA	RUHENGERI	Repatriation
BW500901		F	Dependent	1970	37	6/9/08	KASIKI	GISENYI	Repatriation
BW500902		F	Dependent	2007	1	6/9/08	KASIKI	RUHENGERI	Repatriation
BW501000		M	Combatant	1968	40	6/9/08	MASHUTA	RUHENGERI	Repatriation
BW501001		F	Dependent	1980	27	6/9/08	KASIKI	RUHENGERI	Repatriation
BW501002		F	Dependent	2006	2	6/9/08	KASIKI	RUHENGERI	Repatriation
BW501003		M	Dependent	2007	1	6/9/08	KASIKI	RUHENGERI	Repatriation
BW501100		M	Combatant	1978	30	6/9/08	MASHUTA	GISENYI	Repatriation
BW501101		F	Dependent	1989	19	6/9/08	KASIKI	GISENYI	Repatriation
BW501102		M	Dependent	2001	7	6/9/08	KASIKI	GISENYI	Repatriation
BW501103		M	Dependent	2007	1	6/9/08	KASIKI	GISENYI	Repatriation
BW501200		M	Combatant	1988	20	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW501201		F	Dependent	1990	18	7/9/08	KASIKI	RUHENGERI	Repatriation
BW501202		F	Dependent	2007	1	7/9/08	KASIKI	RUHENGERI	Repatriation
BW501300		M	Combatant	1978	30	7/9/08	MASHUTA	KIGALI	Repatriation
BW501301		F	Dependent	1985	23	7/9/08	KASIKI	KIGALI	Repatriation
BW501302		F	Dependent	2005	3	7/9/08	KASIKI	KIGALI	Repatriation
BW501400		M	Combatant	1973	35	7/9/08	MASHUTA	KIGALI RURAL	Repatriation

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[a] Names removed.

BW501401		F	Dependent	1976	32	7/9/08	KASIKI	KIGALI RURAL	Repatriation
BW501402		F	Dependent	1995	13	7/9/08	KASIKI	KIGALI RURAL	Repatriation
BW501403		M	Dependent	2007	1	7/9/08	KASIKI	KIGALI RURAL	Repatriation
BW501500		M	Combatant	1966	42	7/9/08	MASHUTA	GITARAMA	Repatriation
BW501501		F	Dependent	1969	39	7/9/08	KASIKI	GITARAMA	Repatriation
BW501502		F	Dependent	1999	9	7/9/08	KASIKI	GITARAMA	Repatriation
BW501503		F	Dependent	2003	5	7/9/08	KASIKI	GITARAMA	Repatriation
BW501504		M	Dependent	1905	3	7/9/08	KASIKI	GITARAMA	Repatriation
BW501505		F	Dependent	2007	1	7/9/08	KASIKI	GITARAMA	Repatriation
BW501600		M	Combatant	1971	37	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW501601		F	Dependent	1975	33	7/9/08	KASIKI	KIGALI TOWN	Repatriation
BW501602		M	Dependent	2002	6	7/9/08		KIGALI TOWN	Repatriation
BW501603		F	Dependent	1905	3	7/9/08		KIGALI TOWN	Repatriation
BW501604		F	Dependent	2008		7/9/08	KASIKI	KIGALI TOWN	Repatriation
BW501700		M	Combatant	1973	35	7/9/08	MBWAVINYWA	GISENYI	Repatriation
BW501900		M	Combatant	1988	20	6/9/08	MASHUTA		Repatriation
BW501901		F	Dependent	1988	20	6/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW501902		F	Dependent	2007	1	6/9/08	MASHUTA		Repatriation
BW502000		M	Combatant	1970	38	6/9/08	MASHUTA	KIGALI	Repatriation
BW502001		F	Dependent	1973	35	6/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW502002		F	Dependent	1995	13	6/9/08	MASHUTA		Repatriation
BW502003		F	Dependent	1996	12	6/9/08	MASHUTA		Repatriation
BW502004		F	Dependent	1998	10	6/9/08	MASHUTA		Repatriation
BW502005		M	Dependent	2001	7	6/9/08	MASHUTA		Repatriation
BW502006		M	Dependent	1905	3	6/9/08	MASHUTA		Repatriation
BW502100		M	Combatant	1953	65	6/9/08	MASHUTA		Repatriation
BW502200		M	Combatant	1979	29	6/9/08	MASHUTA	KIGALI	Repatriation
BW502300		M	Combatant	1978	30	6/9/08	MASHUTA		Repatriation
BW502301		F	Dependent	1988	20	6/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW502302		M	Dependent	2004	4	6/9/08	MASHUTA		Repatriation
BW502303		F	Dependent	2007	1	6/9/08	MASHUTA		Repatriation
BW502400		M	Combatant	1971	37	6/9/08	MASHUTA	GISENYI	Repatriation
BW502401		F	Dependent	1975	33	6/9/08	MASHUTA	GISENYI	Repatriation
BW502402		F	Dependent	1996	12	6/9/08	MASHUTA	GISENYI	Repatriation
BW502403		F	Dependent	2004	4	6/9/08	MASHUTA	GISENYI	Repatriation
BW502500		M	Combatant	1977	31	6/9/08	MASHUTA	RUHENGERI	Repatriation
BW502501		F	Dependent	1988	20	6/9/08	MASHUTA	GISENYI	Repatriation
BW502502		F	Dependent	1998	10	6/9/08	MASHUTA	GISENYI	Repatriation
BW502503		F	Dependent	2007	1	6/9/08	MASHUTA	RUHENGERI	Repatriation
BW502600		M	Combatant	1972	36	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW502601		F	Dependent	1973	35	7/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW502700		M	Combatant	1974	34	7/9/08	MASHUTA	BYUMBA	Repatriation

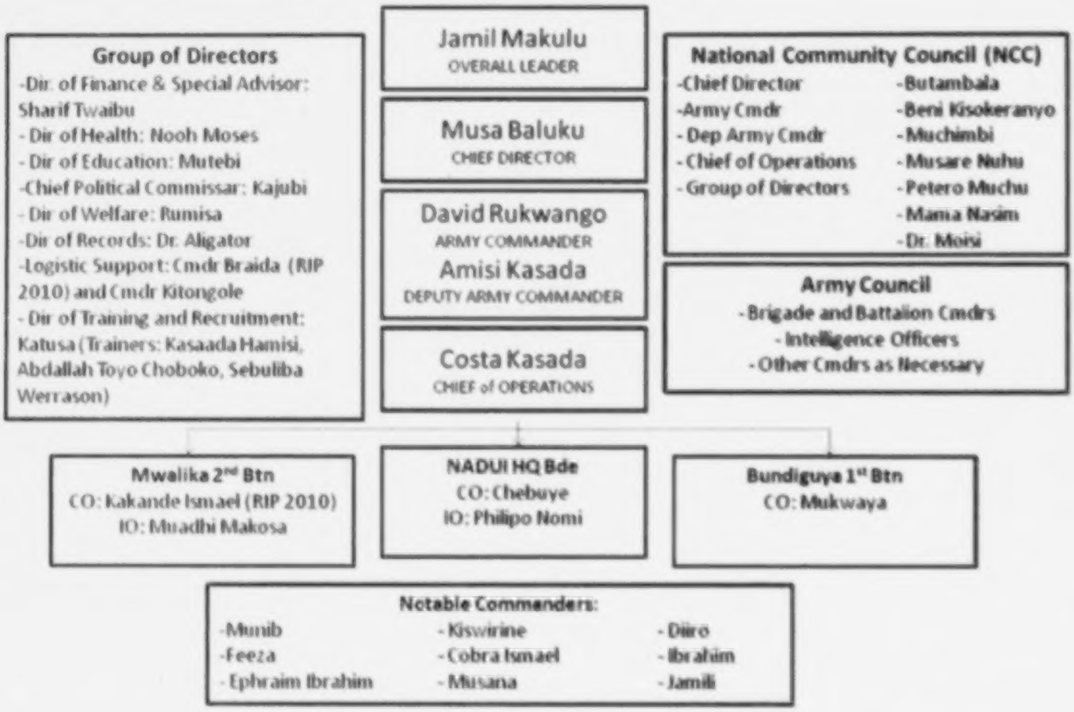
BW502701		F	Dependent	1986	22	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW502702		M	Dependent	2007	1	7/9/08	MASHUTA		Repatriation
BW502800		M	Combatant	1972	36	7/9/08	MASHUTA	GISENYI	Repatriation
BW502801		F	Dependent	1985	23	7/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW502802		M	Dependent	1906	2	7/9/08	MASHUTA	GISENYI	Repatriation
BW502900		M	Combatant	1970	38	7/9/08	MASHUTA	BYUMBA	Repatriation
BW502901		F	Dependent	1991	17	7/9/08	MASHUTA	NORTH-KIVU	Repatriation
BW503000		M	Combatant	1971	37	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW503001		F	Dependent	1980	28	7/9/08	MASHUTA	GISENYI	Repatriation
BW503002		M	Dependent	2002	6	7/9/08	MASHUTA	GISENYI	Repatriation
BW503003		F	Dependent	1905	3	7/9/08	MASHUTA	GISENYI	Repatriation
BW503100		M	Combatant	1975	32	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW503101		F	Dependent	1986	22	7/9/08	MASHUTA	GISENYI	Repatriation
BW503102		M	Dependent	1994	14	7/9/08	MASHUTA	GISENYI	Repatriation
BW503200		M	Combatant	1970	38	7/9/08	MASHUTA	KIBUNGO	Repatriation
BW503201		F	Dependent	1988	20	7/9/08	MASHUTA	KIBUNGO	Repatriation
BW503202		M	Dependent	2007	1	7/9/08	MASHUTA	KIBUNGO	Repatriation
BW503700		M	Combatant	1983	25	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW503701		F	Dependent	1988	20	7/9/08	KASIKI	KIBUYE	Repatriation
BW503702		F	Dependent	2006	1	7/9/08	KASIKI	MASHUTA	Repatriation
BW503800		M	Combatant	1975	33	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW503801		F	Dependent	1981	27	7/9/08	KASIKI	RUHENGERI	Repatriation
BW503802		F	Dependent	2002	6	7/9/08	KASIKI	RUHENGERI	Repatriation
BW503803		M	Dependent	2007	1	7/9/08	KASIKI	RUHENGERI	Repatriation
BW503900		M	Combatant	1986		7/9/08	KASIKI	GITARAMA	Repatriation
BW504000		M	Combatant	1973	35	7/9/08	KASIKI	RUHENGERI	Repatriation
BW504001		F	Dependent	1986	22	7/9/08	MASHUTA	RUHENGERI	Repatriation
BW504100		M	Combatant	1983	25	7/9/08	MASHUTA	KINIGI	Repatriation
BW504200		M	Combatant	1986	22	7/9/08	MASHUTA	GISENYI	Repatriation
BW504201		F	Dependent	1990	18	7/9/08	KASIKI	GISENYI	Repatriation
BW504300		M	Combatant	1986	22	7/9/08	KASIKI	CYANGUGU	Repatriation
BW504301		F	Dependent	1986	22	7/9/08	KASIKI	RUTSHURU	Repatriation
BW504400		M	Combatant	1979	29	7/9/08	KASIKI	GISENYI	Repatriation
BW504401		F	Dependent	1984	24	7/9/08	KASIKI	BINZA	Repatriation
BW504402		F	Dependent	1905	3	7/9/08	KASIKI	BINZA	Repatriation
BW504403		F	Dependent	1905	3	7/9/08	KASIKI	BINZA	Repatriation
BW504500		M	Combatant	1958	49	7/9/08	KASIKI	GITARAMA	Repatriation
BW504501		M	Dependent	1979	29	7/9/08	KASIKI	BWITO	Repatriation
BW504502		F	Dependent	1973	35	7/9/08	KASIKI	BWITO	Repatriation
BW504600		M	Combatant	1984	24	7/9/08	KASIKI	GISENYI	Repatriation
BW504601		F	Dependent	1974	34	7/9/08	KASIKI	BWITO	Repatriation
BW504700		M	Combatant	1985	23	7/9/08	KASIKI	RWANDA	Repatriation
BW504701		F	Dependent	2004	4	7/9/08	KASIKI	RUTSHURU	Repatriation
BW504702		F	Dependent	2007	1	7/9/08	KASIKI	RUTSHURU	Repatriation
BW504800		M	Combatant	1967	41	7/9/08	KASIKI	BYUMBA	Repatriation
BW504801		F	Dependent	1969	39	7/9/08	KASIKI	GITARAMA	Repatriation
BW504802		M	Dependent	1996	12	7/9/08	KASIKI	GITARAMA	Repatriation
BW504803		F	Dependent	2000	8	7/9/08	KASIKI	GITARAMA	Repatriation

BW504804		M	Dependent	2008		7/9/08	KASIKI	GITARAMA	Repatriation
BW504900		M	Combatant	1978	30	7/9/08	KASIKI	RUHENGERI	Repatriation
BW504901		F	Dependent	1986	22	7/9/08	KASIKI	RUTSHURU	Repatriation
BW504902		M	Dependent	2007	1	7/9/08	KASIKI	RUTSHURU	Repatriation
BW505000		M	Combatant	1973	35	7/9/08	KASIKI	BYUMBA	Repatriation
BW505001		F	Dependent	1986	22	7/9/08	KASIKI	RWANDA	Repatriation
BW505100		M	Combatant	1973	35	7/9/08	KASIKI	RUHENGERI	Repatriation
BW505101		M	Dependent	1964	44	7/9/08	KASIKI	RUHENGERI	Repatriation
BW505200		M	Combatant	1975	33	7/9/08	KASIKI	BWITO	Not Decided
BW505201		M	Dependent	1991	17	7/9/08	KASIKI	RUHENGERI	Repatriation
BW505500		M	Combatant	1988	20	7/9/08	KASIKI	RWANDA	Repatriation
BW505600		M	Combatant	1959	48	7/9/08	KASIKI	RWANDA	Repatriation
BW505700		M	Combatant	1983	25	7/9/08	KASIKI	RUHENGERI	Repatriation
BW505800		M	Combatant	1970	38	7/9/08	KASIKI	KIGALINGALI	Repatriation
BW505900		M	Combatant	1985	23	7/9/08	KASIKI	GISENYI	Repatriation
BW506000		M	Combatant	1983	25	7/9/08	KASIKI	KIGALI	Repatriation
BW506100		M	Combatant			7/9/08	KASIKI	KIGALI	Repatriation
BW506200		M	Combatant	1988	20	7/9/08	KASIKI	GISENYI	Repatriation
BW506300		M	Combatant	1983	25	7/9/08	KASIKI	GISENYI	Repatriation
BW506400		M	Combatant	1967	41	7/9/08	KASIKI	KIGALI	Repatriation
BW506500		M	Combatant	1982	26	7/9/08	KASIKI	CYANGUGU	Repatriation
BW506600		M	Combatant	1948	54	7/9/08	KASIKI	GISENYI	Repatriation
BW506601		F	Dependent	1979	29	7/9/08	KASIKI	RUHENGERI	Repatriation
BW506602		F	Dependent	1999	9	7/9/08	KASIKI	RUHENGERI	Repatriation
BW506603		F	Dependent	2003	5	7/9/08	KASIKI	RUHENGERI	Repatriation
BW506604		F	Dependent	1905	3	7/9/08	KASIKI	RUHENGERI	Repatriation
BW506700		M	Combatant	1983	25	7/9/08	KASIKI	BYUMBA	Repatriation
BW506800		M	Combatant	1952	55	7/9/08	KASIKI	RUHENGERI	Repatriation
BW506900		M	Combatant	1988	20	7/9/08	KASIKI	KIGALI	Repatriation
BW507000		M	Combatant	1973	35	7/9/08	KASIKI	RUHENGERI	Repatriation
BW507100		M	Combatant	1979	29	7/9/08	KASIKI	RWANDA	Repatriation
BW507200		M	Combatant	1986	22	7/9/08	KASIKI	GISENYI	Repatriation
BW700100		F	Refugee	1948	60	7/9/08	MASHUTA	GISENYI	Repatriation
BW700101		F	Refugee	1994	14	7/9/08	MASHUTA	GISENYI	Repatriation
BW700200		F	Refugee	1990	18	7/9/08	MASHUTA	GISENYI	Repatriation
BW700300		F	Refugee	1992	16	7/9/08	KASIKI	RUHENGERI	Repatriation
BW700400		M	Refugee	1949	61	7/9/08	MASHUTA	RUHENGERI	Repatriation

Combatants	65
Dependents	87
Refugees	5
Total	**157**

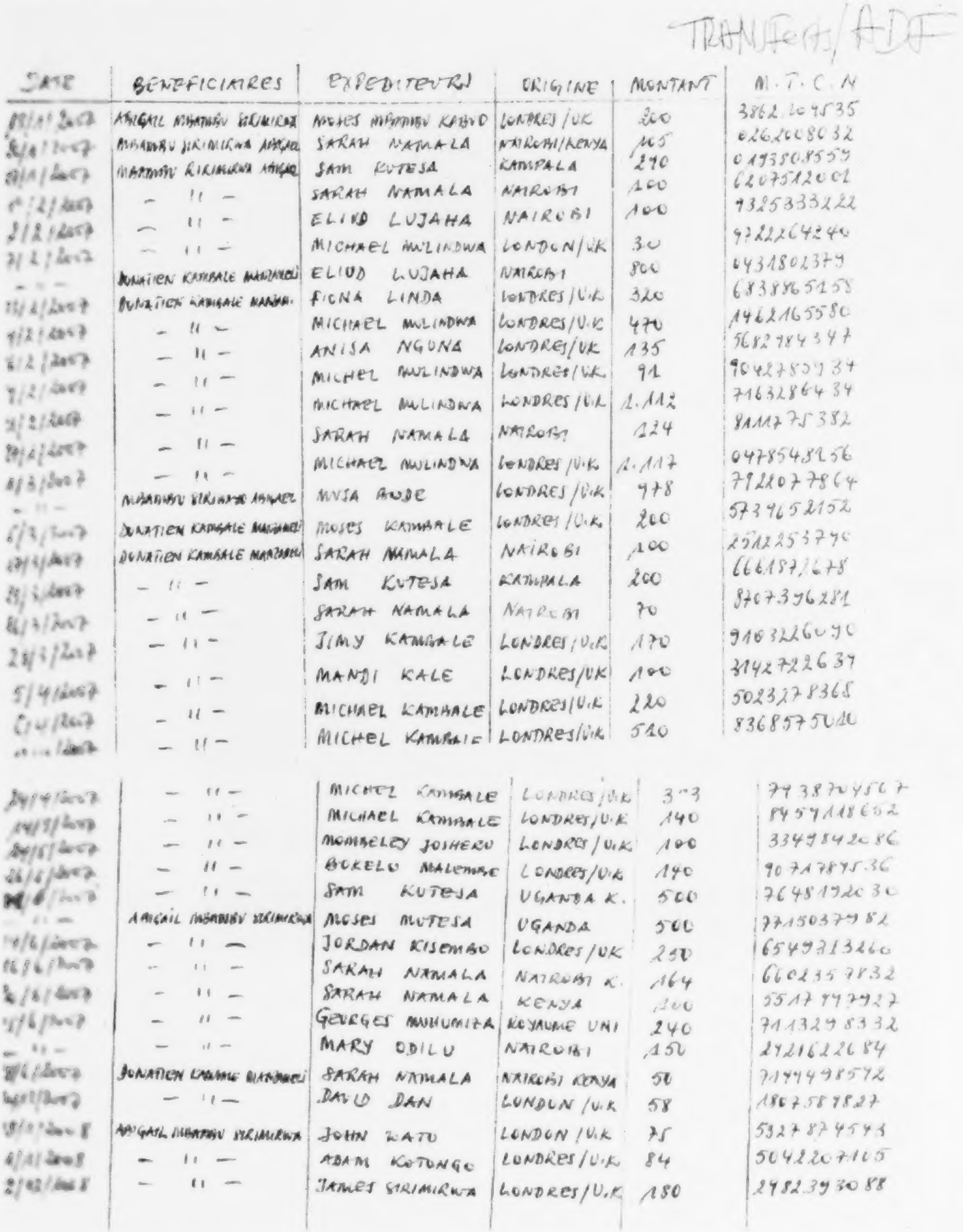
Annex 10

Structure of Allied Democratic Forces


Group of Directors
-Dir. of Finance & Special Advisor: Sharif Twaibu
- Dir of Health: Nooh Moses
- Dir of Education: Mutebi
-Chief Political Commissar: Kajubi
- Dir of Welfare: Rumisa
-Dir of Records: Dr. Aligator
-Logistic Support: Cmdr Braida (RIP 2010) and Cmdr Kitongole
- Dir of Training and Recruitment: Katusa (Trainers: Kasaada Hamisi, Abdallah Toyo Choboko, Sebuliba Werrason)
Jamil Makulu
OVERALL LEADER
Musa Baluku
CHIEF DIRECTOR
David Rukwango
ARMY COMMANDER
Amisi Kasada
DEPUTY ARMY COMMANDER
Costa Kasada
CHIEF of OPERATIONS
National Community Council (NCC)
-Chief Director
-Army Cmdr
- Dep Army Cmdr
- Chief of Operations
- Group of Directors
-Butambala
-Beni Kisokeranyo
-Muchimbi
- Musare Nuhu
- Petero Muchu
- Mama Nasim
- Dr. Moisi
Army Council
- Brigade and Battalion Cmdrs
- Intelligence Officers
- Other Cmdrs as Necessary
Mwalika 2nd Btn
CO: Kakande Ismael (RIP 2010)
IO: Muadhi Makosa
NADUI HQ Bde
CO: Chebuye
IO: Philipo Nomi
Bundiguya 1st Btn
CO: Mukwaya
Notable Commanders:
-Munib
-Feeza
- Ephraim Ibrahim
- Kiswirine
- Cobra Ismael
- Musana
- Diiro
- Ibrahim
- Jamili

Annex 11

Examples of past Western Union transfers allegedly destined for ADF



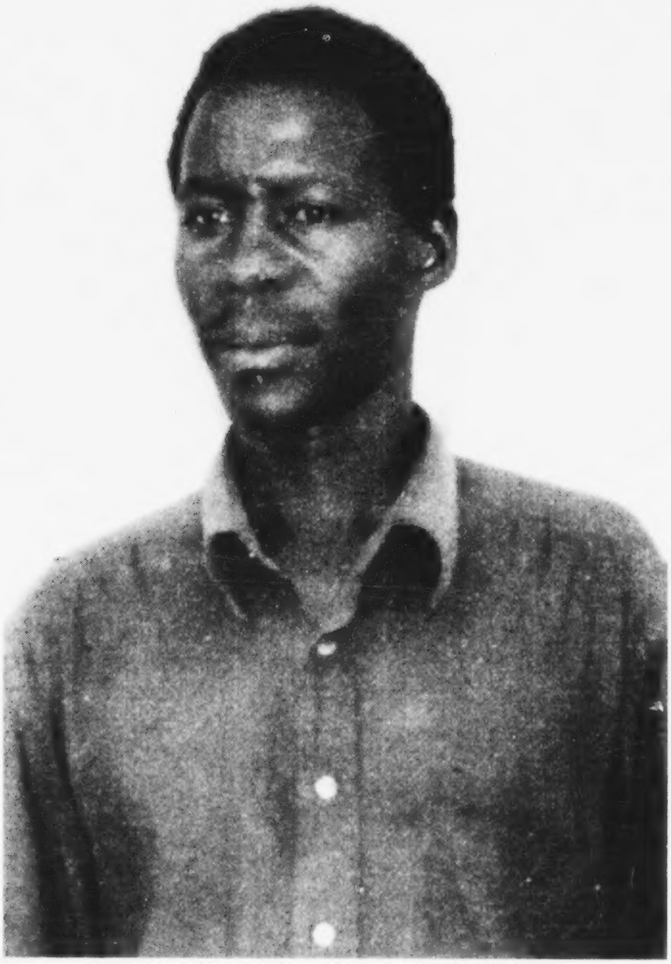
TRANSFERTS/ADF

DATE	BENEFICIAIRES	EXPEDITEURS	ORIGINE	MONTANT	M.T.C.N
18/1/2007	ABIGAIL MBADDIRU SIRIMIRWA	MOSES MBADDIRU KABVO	LONDRES/UK	200	3862204535
8/1/2007	MBADDIRU SIRIMIRWA ABIGAIL	SARAH NAMALA	NAIROBI/KENYA	105	0262008032
31/1/2007	MBADDIRU KIRIMIRWA ABIGAIL	SAM KUTESA	KAMPALA	290	0193808559
1[illegible]/2/2007	– " –	SARAH NAMALA	NAIROBI	100	6207512001
2/2/2007	– " –	ELIUD LUJAHA	NAIROBI	100	9325333222
7/2/2007	– " –	MICHAEL MULINDWA	LONDON/UK	30	9322264240
– " –	DONATIEN KAMBALE MANDIMBI	ELIUD LUJAHA	NAIROBI	800	6431802379
11/2/2007	DONATIEN KAMBALE MANDIMBI	FIONA LINDA	LONDRES/U.K	320	6838865158
4/2/2007	– " –	MICHAEL MULINDWA	LONDRES/U.K	470	1462165580
6/2/2007	– " –	ANISA NGUNA	LONDRES/UK	135	5682984347
7/2/2007	– " –	MICHEL MULINDWA	LONDRES/U.K	91	9042780934
2[illegible]/2/2007	– " –	MICHAEL MULINDWA	LONDRES/U.K	1.112	7163286434
2[illegible]/2/2007	– " –	SARAH NAMALA	NAIROBI	124	8111775382
[illegible]/2/2007	– " –	MICHAEL MULINDWA	LONDRES/U.K	1.117	0478548256
8/3/2007	MBADDIRU SIRIMIRWA ABIGAEL	MUSA AUDE	LONDRES/U.K	978	7922077864
– " –	DONATIEN KAMBALE MANDIMBI	MOSES KAMBALE	LONDRES/U.K	200	5734652152
6/3/2007	DONATIEN KAMBALE MANDIMBI	SARAH NAMALA	NAIROBI	100	2512253790
2[illegible]/3/2007	– " –	SAM KUTESA	KAMPALA	200	6661871678
2[illegible]/3/2007	– " –	SARAH NAMALA	NAIROBI	70	8707396281
[illegible]/3/2007	– " –	JIMY KAMBALE	LONDRES/U.K	170	9163226090
28/3/2007	– " –	MANDI KALE	LONDRES/UK	100	3142722637
5/4/2007	– " –	MICHAEL KAMBALE	LONDRES/U.K	220	5023278365
6/4/2007	– " –	MICHEL KAMBALE	LONDRES/U.K	510	8368575010
[illegible]/4/2007					
24/4/2007	– " –	MICHEL KAMBALE	LONDRES/U.K	3[illegible]3	7438704567
14/5/2007	– " –	MICHAEL KAMBALE	LONDRES/U.K	140	8457118652
24/5/2007	– " –	MOMBELEY JOSHERU	LONDRES/U.K	100	3349842086
26/6/2007	– " –	BOKELO MALEMBE	LONDRES/U.K	140	9071789536
[illegible]/6/2007	– " –	SAM KUTESA	UGANDA K.	500	7648192030
– " –	ABIGAIL MBADDIRU SIRIMIRWA	MOSES MUTESA	UGANDA	500	7715037982
14/6/2007	– " –	JORDAN KISEMBO	LONDRES/UK	250	6549313260
16/6/2007	– " –	SARAH NAMALA	NAIROBI K.	164	6602357832
[illegible]/6/2007	– " –	SARAH NAMALA	KENYA	100	5517997927
[illegible]/6/2007	– " –	GEORGES MUHUMIZA	ROYAUME UNI	240	7113298332
– " –	– " –	MARY ODILU	NAIROBI	150	2921622684
[illegible]/6/2007	DONATIEN KAMBALE MANDIMBI	SARAH NAMALA	NAIROBI KENYA	50	7199498572
[illegible]/[illegible]/2007	– " –	DAVID DAN	LONDON/U.K	58	1867587827
18/1/2008	ABIGAIL MBADDIRU SIRIMIRWA	JOHN WATU	LONDON/U.K	75	5327874593
4/1/2008	– " –	ADAM KOTONGO	LONDRES/U.K	84	5042207105
2/02/2008	– " –	JAMES SIRIMIRWA	LONDRES/U.K	180	2982393088

Source: Banque Commerciale du Congo.

Annex 12

Photo obtained from Burundian authorities of FNL commander Antoine “Shuti” Baranyanka



Annex 13

Summary of CNDP personnel, 31 December 2008

	Gen Bde	Col	Lt Col	Maj	Comd	Cpt	Lt	SLt	AC	A1	Adjt	1SM	SM	1Sgt	Sgt	Cpl	Total
GHQ	1	2	3	9	3	22	21	20	50		56	3	38	15	34	165	442
Bn SP II				2	3	10	6	21	35		30	2	19	8	17	28	181
Aie				2		2	4	5	8		4		1		15		41
ZOps KAB		3	1	16	4	64	65	27	141	3	94	25	73	74	97	382	1139
ZOps MUT		1	2	8	2	25	34	38	92	2	45	5	44	33	45	214	590
ZOps JAM		1	4	8	29	48	64	79	106	8	52	12	16	56	84	287	855
TOTAL		7	10	46	41	171	194	260	432	13	281	47	191	186	292	1076	**3248**

3,248 combatants:

1	General	
63	Officers (Col, Lt Col, Maj)	1,9 %
666	Subordinate officers (Comdt, Capt, Lt, Slt)	20,5 %
1442	Sub-officers	44,3 %
1076	Corporals	33,1 %

Zone Ops Lumumba

	ONP	Admit	Admit Out		Pass	C/Arres	Duty	Abs	Total
Total	1587	121	6	64	18	5	9	28	1838

Bn SP I

	ONP	Admit	Total
Bn SP I	126		126
Q7	56	8	64
Total	182	8	190

Total CNDP combatants in December 2008:

3,248 (GQG + Bn SP II + Aie + ZOps KAB / MUT / JAM) + 1,838 (ZOps LUM) + 190 (Bn SP I) = **5,276**

Annex 14

CNDP combatants declared 12 January 2009

11,080 combatants, divided as follows:

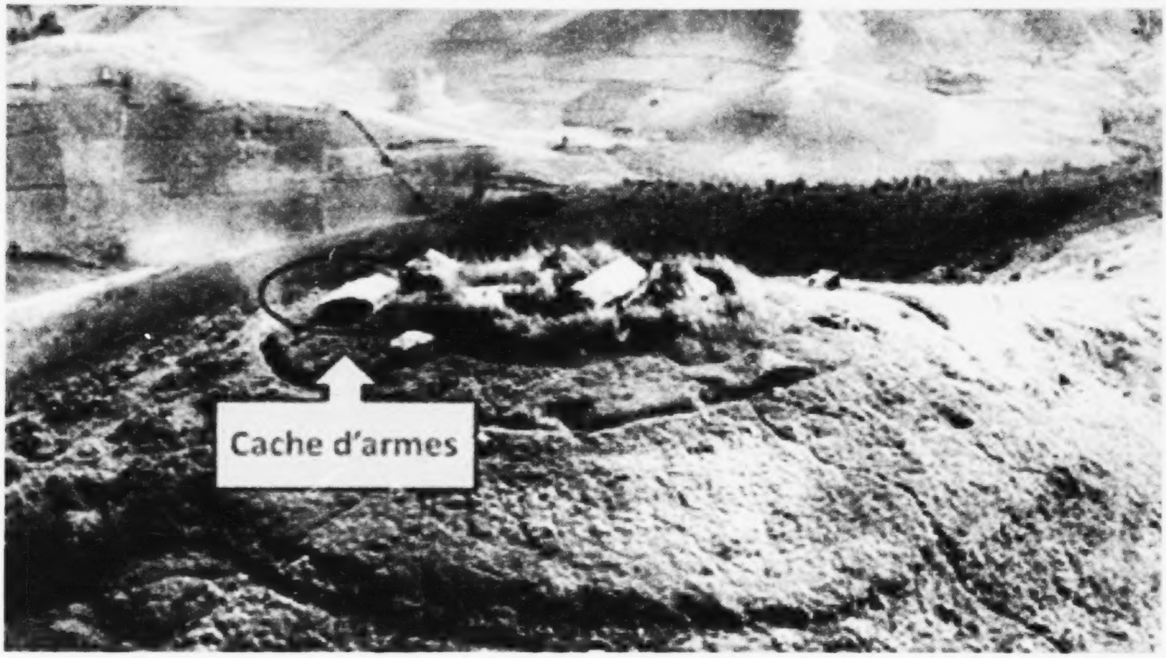
1	General	
278	Officers (Col, LtCol, Maj)	2,5 %
2447	Subordinate officers (Comdt, Capt, Lt, Slt)	22 %
5108	Sub-officers	46.1 %
3246	Corporals	29,2 %

	Gen Bde	Col	Lt Col	Maj	Comdt	Cpt	Lt	SLt	AC	A1	Adjt	1SM	SM	1 Sgt	Sgt	Cpl	TOTAL
Pre-integration	1																5276
Proposed by CNDP	1	22	61	195	—	707	743	997	1256	171	910	‘478	410	732	1151	3246	11080
Difference																	**5804**
Accepted CEAG	1	13	32	72													+/- 11000

	31/12/08 Of 3248 combatants		**31/12/08 Of 5276 combatants**		**12/01/09**		**Estimated increase 31/12/08 to 12/01/09**
Général	1		1		1		**0**
Offr supérieurs	63	1.90 %	100	1.90 %	278	2.50 % +	**178**
Officier subatrenes	666	20.50 %	1081	20.50 %	2447	22,00% +	**1366**
Sous-officiers	1442	44.30 %	2337	44.30 %	5108	46.10 % +	**2771**
Caporaux	1076	33.10 %	1746	33.10 %	3246	29.20 % -	**1500**
Total	3248 (HQG+SPII+Aie+3xZOps)		5276 = effectifs réels		11080 = effectifs présentés GoRDC		**5804**

Annex 15

House containing an arms cache held by former CNDP elements on a hill outside of Ngungu, Masisi territory[a]



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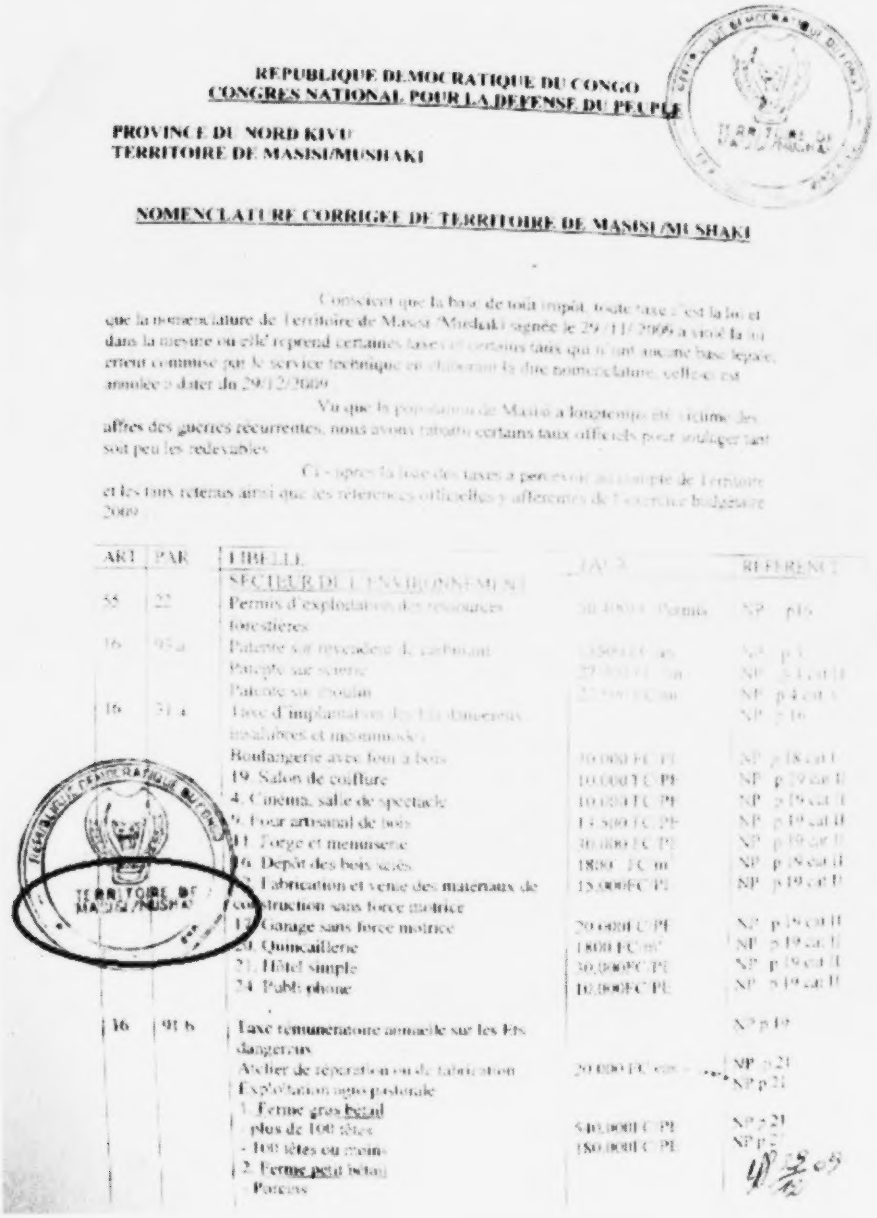
[a] GPS coordinates: 35N0706988 UTM9817206.

Annex 16

Official records of tax revenue received by the CNDP parallel administration of "Masisi/Mushake" for the month of December 2009



REPUBLIQUE DEMOCRATIQUE DU CONGO
CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE

PROVINCE DU NORD KIVU
TERRITOIRE DE MASISI/MUSHAKI

NOMENCLATURE CORRIGEE DE TERRITOIRE DE MASISI/MUSHAKI

Conscient que la base de tout impôt, toute taxe c'est la loi et que la nomenclature de Territoire de Masisi /Mushaki signée le 29 /11/ 2009 a violé la loi dans la mesure où elle reprend certaines taxes et certains taux qui n'ont aucune base légale, erreur commise par le service technique en élaborant la dite nomenclature, celle-ci est annulée à dater du 29/12/2009

Vu que la population de Masisi a longtemps été victime des affres des guerres récurrentes, nous avons rabattu certains taux officiels pour soulager tant soit peu les redevables

Ci - après la liste des taxes à percevoir au compte de Territoire et les taux retenus ainsi que les références officielles y afférentes de l'exercice budgétaire 2009

ART	PAR	LIBELLE	TAUX	REFERENCE
		SECTEUR DE L'ENVIRONNEMENT		
55	22	Permis d'exploitation des ressources forestières	50.000 FC/Permis	NP p16
16	95 a	Patente sur revendeur de carburant	3.500 FC/an	NP p 3
		Patente sur scierie	27.000 FC/an	NP p 3 cat II
		Patente sur moulin	22.500 FC/an	NP p 4 cat [illegible]
16	31 a	Taxe d'implantation des Ets dangereux, insalubres et incommodes		NP p 16
		Boulangerie avec four à bois	30.000 FC/PE	NP p 18 cat I
		19. Salon de coiffure	10.000 FC/PE	NP p 19 cat II
		4. Cinéma, salle de spectacle	10.000 FC/PE	NP p 19 cat II
		9. Four artisanal de bois	13.500 FC/PE	NP p 19 cat II
		11. Forge et menuiserie	30.000 FC/PE	NP p 19 cat II
		16. Dépôt des bois sciés	1800 FC/m³	NP p 19 cat II
		[illegible]. Fabrication et vente des matériaux de construction sans force motrice	15.000FC/PE	NP p 19 cat II
		12. Garage sans force motrice	20.000FC/PE	NP p 19 cat II
		20. Quincaillerie	1800 FC/m²	NP p 19 cat II
		21. Hôtel simple	30.000FC/PE	NP p 19 cat II
		24. Publiphone	10.000FC/PE	NP p 19 cat II
16	91 b	Taxe rémunératoire annuelle sur les Ets dangereux		NP p 19
		Atelier de réparation ou de fabrication	20.000 FC/[illegible]	NP p 21
		Exploitation agro-pastorale		NP p 21
		1. Ferme gros bétail		
		- plus de 100 têtes	540.000FC/PE	NP p 21
		- 100 têtes ou moins	180.000FC/PE	NP p [illegible]
		2. Ferme petit bétail		
		- Porcins		

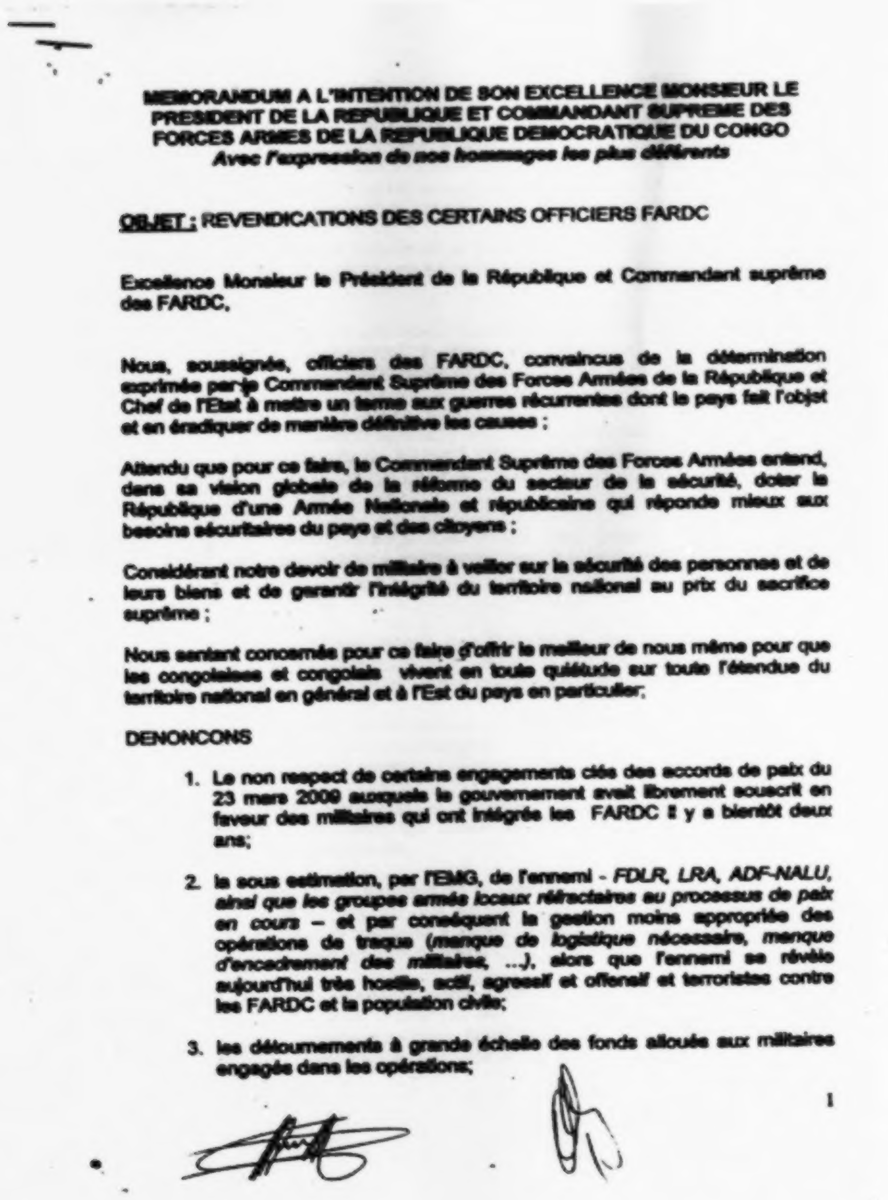
4P 29/12 09

Annex 17

Photos of the Bwiza settlement controlled by CNDP within the Virunga National Park

Annex 18

Letter addressed to President Kabila by ex-CNDP commanders protesting plans for redeployment outside of the Kivus



MEMORANDUM A L'INTENTION DE SON EXCELLENCE MONSIEUR LE PRESIDENT DE LA REPUBLIQUE ET COMMANDANT SUPREME DES FORCES ARMES DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO
Avec l'expression de nos hommages les plus déférents

OBJET : REVENDICATIONS DES CERTAINS OFFICIERS FARDC

Excellence Monsieur le Président de la République et Commandant suprême des FARDC,

Nous, soussignés, officiers des FARDC, convaincus de la détermination exprimée par le Commandant Suprême des Forces Armées de la République et Chef de l'Etat à mettre un terme aux guerres récurrentes dont le pays fait l'objet et en éradiquer de manière définitive les causes ;

Attendu que pour ce faire, le Commandant Suprême des Forces Armées entend, dans sa vision globale de la réforme du secteur de la sécurité, doter la République d'une Armée Nationale et républicaine qui réponde mieux aux besoins sécuritaires du pays et des citoyens ;

Considérant notre devoir de militaire à veiller sur la sécurité des personnes et de leurs biens et de garantir l'intégrité du territoire national au prix du sacrifice suprême ;

Nous sentant concernés pour ce faire d'offrir le meilleur de nous même pour que les congolaises et congolais vivent en toute quiétude sur toute l'étendue du territoire national en général et à l'Est du pays en particulier;

DENONCONS

1. Le non respect de certains engagements clés des accords de paix du 23 mars 2009 auxquels le gouvernement avait librement souscrit en faveur des militaires qui ont intégré les FARDC il y a bientôt deux ans;
2. la sous estimation, par l'EMG, de l'ennemi - *FDLR, LRA, ADF-NALU, ainsi que les groupes armés locaux réfractaires au processus de paix en cours* – et par conséquent la gestion moins appropriée des opérations de traque (*manque de logistique nécessaire, manque d'encadrement des militaires, …*), alors que l'ennemi se révèle aujourd'hui très hostile, actif, agressif et offensif et terroristes contre les FARDC et la population civile;
3. les détournements à grande échelle des fonds alloués aux militaires engagés dans les opérations;

1

4. la non mécanisation et le traitement discriminatoire dans le paiement de la solde des militaires ex-CNDP, ex-PARECO et autres ex-groupes armés, qui ne se contentent jusqu'à ce jour que des simples primes créant ainsi l'inégalité au sein des FARDC avec comme conséquence le manque d'esprit de corps;

5. le tribalisme et l'ethnisme au sein des FARDC ainsi que le manque de la promotion de l'esprit de protection mutuelle entre les militaires sur le terrain;

Eu égard à ce qui précède, Excellence Monsieur le Président de la République et Commandant Suprême des FRDC, nous avons l'honneur de recourir à Votre auguste autorité afin qu'elle exige aux instances d'exécution de:

1. Faire respecter l'esprit et la lettre des engagements contenus dans les accords de paix du 23 mars 2009 signés entre le Gouvernement et le CNDP d'une part et entre le Gouvernement et les ex-groupes armés d'autres part;
2. Faire de la traque des FDLR une priorité des priorités du gouvernement tout en réappréciant l'ennemi sous divers angles en donnant du temps et des moyens logistiques qu'il faut pour le traquer avec succès;
3. Eviter tout mouvement des troupes ou des officiers affectés aux opérations AMANI LEO en dehors de la zone opérationnelle avant la mise en œuvre intégrale des accords de paix du 23 mars 2009;
4. Uniformiser la solde de tous les militaires en particulier et pourvoir à leur encadrement en général et abolir le mécanisme de détournements communément appelé « opération retour »;
5. Combattre sévèrement au sein de l'armée nationale le clientélisme et autres traitements de faveur fondés sur les inégalités ethniques, tribales ou régionales;

Excellence Monsieur le Président de la République, le tableau des opérations militaires ainsi peint n'est pas que sombre lorsque nous notons en passant la diminution sensible des déplacés internes, la libre circulation des personnes et des biens, la restauration de l'autorité de l'Etat, la réunification de l'armée, etc.

En définitive, nous tenons à vous réaffirmer notre engagement et notre disponibilité à servir sous le drapeau avec loyauté dans le strict respect de la constitution et du règlement militaire. Aussi, est-ce le lieu ici de vous rappeler les sentiments d'espoirs que vous avez créé aussi bien à travers les militaires qu'au sein de leurs familles, lorsque, le 19 juin dernier, vous nous rassuriez que la République ne pourra jamais nous trahir et qu'en retour nous lui devons fidélité.

La protection de la République au prix du sacrifice suprême demeure à jamais le leit motiv de notre engagement au sein des Forces Armées de la République Démocratique du Congo.

Plus rien à signaler, à vos ordres.

Fait à Goma, le 23 Septembre 2010

Les signataires

Pour les officiers FARDC Intégrés

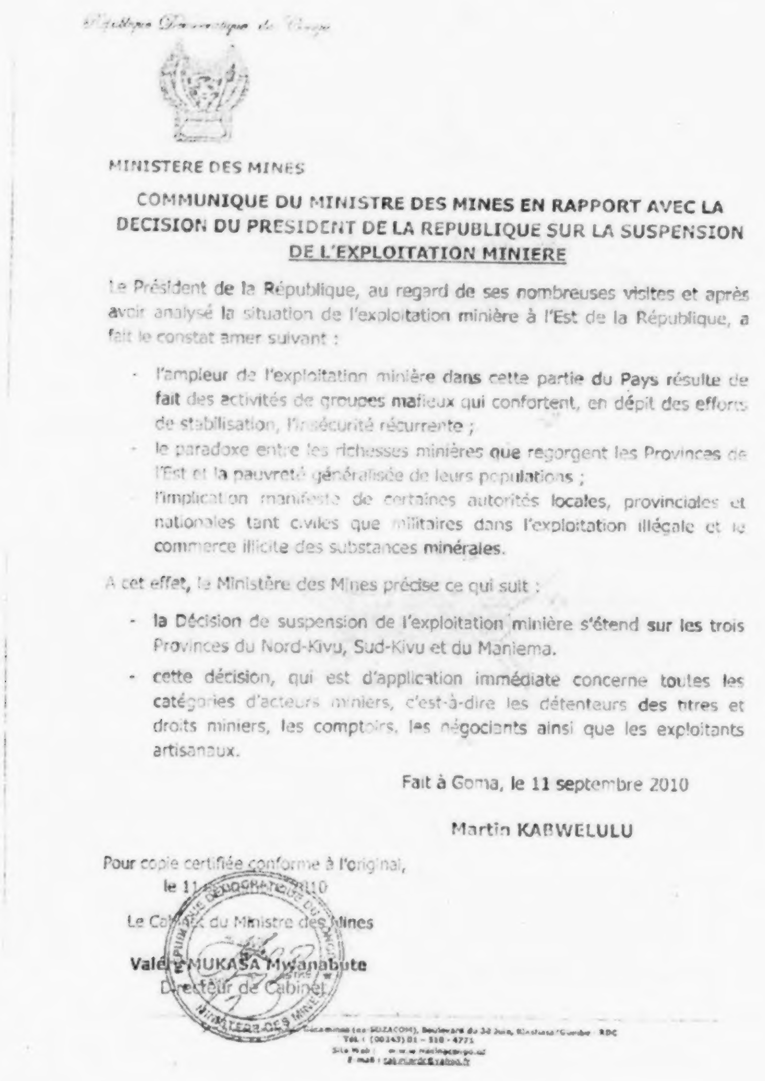
Lt. Colonel Séraphin MIRINDI **Lt. Colonel Jacques KAVUMBI MALU**

Copie pour information:

- A Son Excellence Monsieur le Ministre de la Défense à Kinshasa ;
- Au Chef d'Etat Major Général des FARDC à Kinshasa ;
- A la Coordination des Opérations AMANI LEO à Goma ;
- Au Commandant de la 10ème Région Militaire à Bukavu ;
- Au Commandant de la 8ème Région Militaire à Goma.

Annex 19

Decree from the Ministry of Mines suspending mining activities in the provinces of South Kivu, North Kivu and Maniema as of 11 September 2010



République Démocratique du Congo

MINISTERE DES MINES

COMMUNIQUE DU MINISTRE DES MINES EN RAPPORT AVEC LA DECISION DU PRESIDENT DE LA REPUBLIQUE SUR LA SUSPENSION DE L'EXPLOITATION MINIERE

Le Président de la République, au regard de ses nombreuses visites et après avoir analysé la situation de l'exploitation minière à l'Est de la République, a fait le constat amer suivant :

- l'ampleur de l'exploitation minière dans cette partie du Pays résulte de fait des activités de groupes mafieux qui confortent, en dépit des efforts de stabilisation, l'insécurité récurrente ;
- le paradoxe entre les richesses minières que regorgent les Provinces de l'Est et la pauvreté généralisée de leurs populations ;
- l'implication manifeste de certaines autorités locales, provinciales et nationales tant civiles que militaires dans l'exploitation illégale et le commerce illicite des substances minérales.

A cet effet, le Ministère des Mines précise ce qui suit :

- la Décision de suspension de l'exploitation minière s'étend sur les trois Provinces du Nord-Kivu, Sud-Kivu et du Maniema.
- cette décision, qui est d'application immédiate concerne toutes les catégories d'acteurs miniers, c'est-à-dire les détenteurs des titres et droits miniers, les comptoirs, les négociants ainsi que les exploitants artisanaux.

Fait à Goma, le 11 septembre 2010

Martin KABWELULU

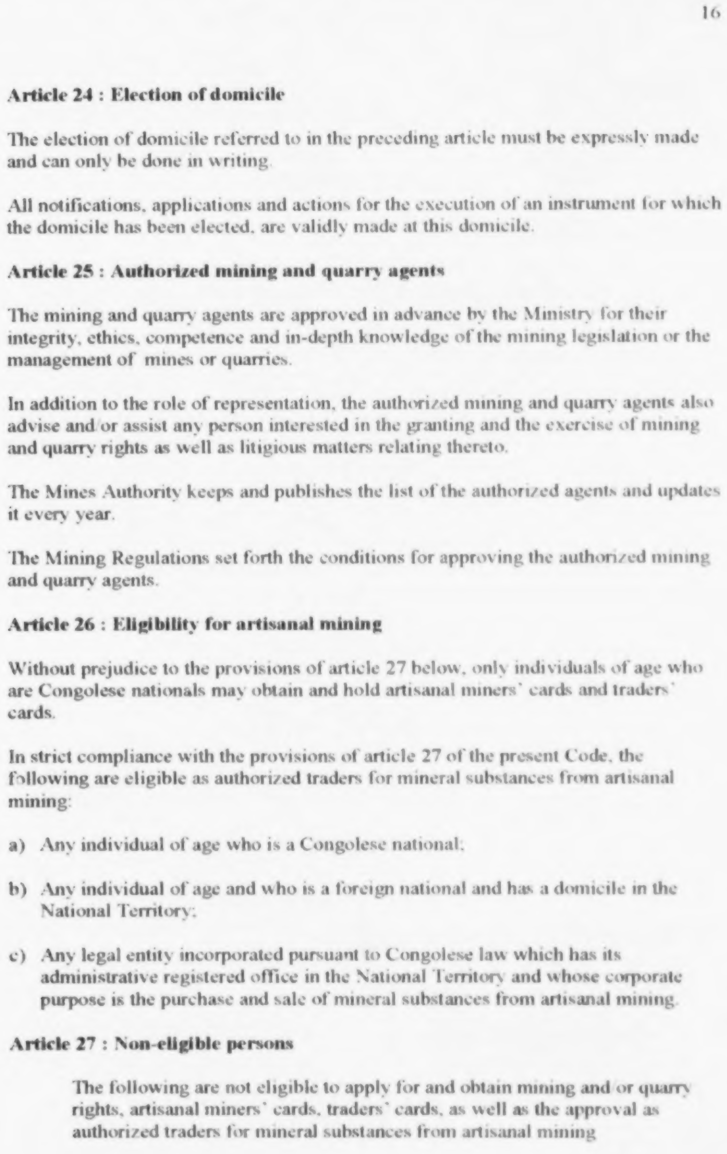
Pour copie certifiée conforme à l'original,
le 11 [illegible] 2010

Le Cabinet du Ministre des Mines

Valéry MUKASA Mwanabute
Directeur de Cabinet

Annex 20

Article 21 of the Democratic Republic of the Congo Mining Code, law 007/2002, which prohibits the involvement of the security forces in mining activities



16

Article 24 : Election of domicile

The election of domicile referred to in the preceding article must be expressly made and can only be done in writing.

All notifications, applications and actions for the execution of an instrument for which the domicile has been elected, are validly made at this domicile.

Article 25 : Authorized mining and quarry agents

The mining and quarry agents are approved in advance by the Ministry for their integrity, ethics, competence and in-depth knowledge of the mining legislation or the management of mines or quarries.

In addition to the role of representation, the authorized mining and quarry agents also advise and/or assist any person interested in the granting and the exercise of mining and quarry rights as well as litigious matters relating thereto.

The Mines Authority keeps and publishes the list of the authorized agents and updates it every year.

The Mining Regulations set forth the conditions for approving the authorized mining and quarry agents.

Article 26 : Eligibility for artisanal mining

Without prejudice to the provisions of article 27 below, only individuals of age who are Congolese nationals may obtain and hold artisanal miners' cards and traders' cards.

In strict compliance with the provisions of article 27 of the present Code, the following are eligible as authorized traders for mineral substances from artisanal mining:

a) Any individual of age who is a Congolese national;

b) Any individual of age and who is a foreign national and has a domicile in the National Territory;

c) Any legal entity incorporated pursuant to Congolese law which has its administrative registered office in the National Territory and whose corporate purpose is the purchase and sale of mineral substances from artisanal mining.

Article 27 : Non-eligible persons

The following are not eligible to apply for and obtain mining and/or quarry rights, artisanal miners' cards, traders' cards, as well as the approval as authorized traders for mineral substances from artisanal mining

a) government employees and civil servants, magistrates, members of the Armed Forces, the Police and the Security Services, the employees of public entities which are authorized to carry out mining activities.

However, this incompatibility does not affect their ability to participate in the capital of mining companies;

b) Any individual who does not have legal capacity as set forth in article 215 of law No. 87-010 of 01 August 1987, the Family Law Code;

c) Any person who is legally excluded, in particular:

- A person condemned by a valid non-appealable judgment for violations of the mining and quarry laws or those related to the economic activities concerning his mining or quarry rights and his affiliated companies, for a period of ten years;
- The person whose artisanal miners' or traders' card has been cancelled, for a period of 3 years;
- The person whose approval to act as an authorized trader for the purchase and sale of mineral substances from artisanal mining has been withdrawn, for a period of five years.

CHAPTER II : MINING AND QUARRY PERIMETERS

Article 28 : Form of the mining and quarry Perimeters

Mining or quarry rights are granted for mineral substances situated inside the Perimeter.

The Perimeter is in the form of a polygon consisting of entire contiguous quadrangles subject to the limits relating to the borders of the National Territory and those relating to reserved prohibited areas and protected areas as set forth in the Mining Regulations.

The National Territory is divided into mining cadastral grids in accordance with the appropriate coordinates system set forth in the Mining Regulations. This grid defines the uniform and indivisible quadrangles which sides are oriented North-South and East-West.

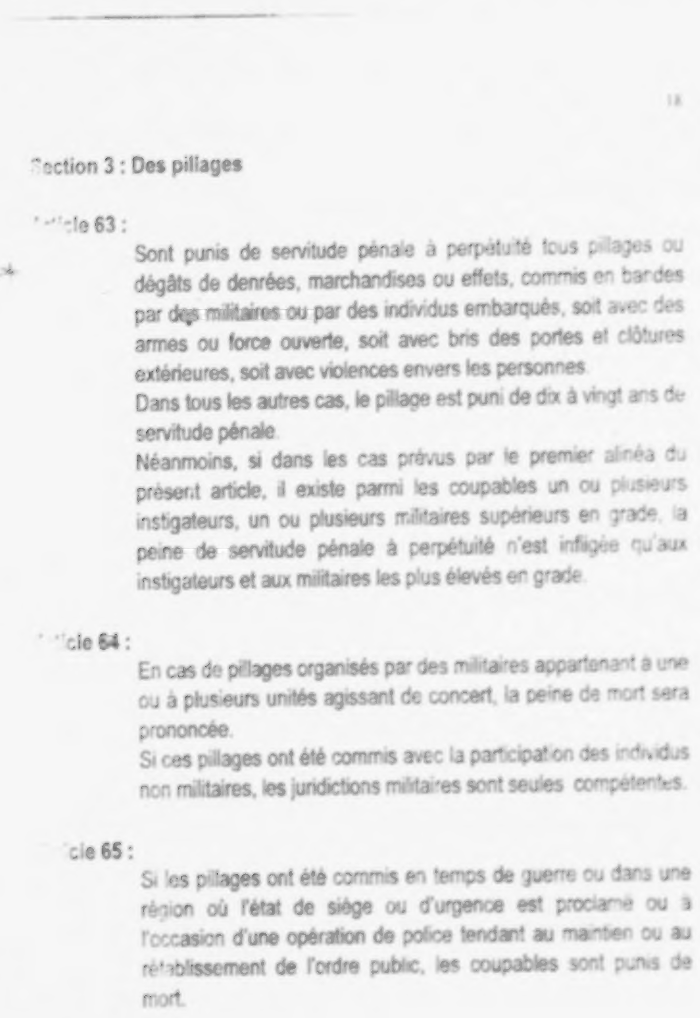
The Perimeter does not include quadrangles which are not part of the Perimeter which relates to the mining or quarry rights.

Article 29 : Location of the mining and quarry Perimeters

The geographical location of the Perimeter is identified by the coordinates at the centre of each quadrangle which make up the Perimeter.

Annex 21

Articles of military penal code 023/2002 concerning punishment for looting and violation of direct orders



18

Section 3 : Des pillages

Article 63 :

Sont punis de servitude pénale à perpétuité tous pillages ou dégâts de denrées, marchandises ou effets, commis en bandes par des militaires ou par des individus embarqués, soit avec des armes ou force ouverte, soit avec bris des portes et clôtures extérieures, soit avec violences envers les personnes.

Dans tous les autres cas, le pillage est puni de dix à vingt ans de servitude pénale.

Néanmoins, si dans les cas prévus par le premier alinéa du présent article, il existe parmi les coupables un ou plusieurs instigateurs, un ou plusieurs militaires supérieurs en grade, la peine de servitude pénale à perpétuité n'est infligée qu'aux instigateurs et aux militaires les plus élevés en grade.

Article 64 :

En cas de pillages organisés par des militaires appartenant à une ou à plusieurs unités agissant de concert, la peine de mort sera prononcée.

Si ces pillages ont été commis avec la participation des individus non militaires, les juridictions militaires sont seules compétentes.

Article 65 :

Si les pillages ont été commis en temps de guerre ou dans une région où l'état de siège ou d'urgence est proclamé ou à l'occasion d'une opération de police tendant au maintien ou au rétablissement de l'ordre public, les coupables sont punis de mort.

CHAPITRE V : DES INFRACTIONS AUX CONSIGNES

Article 113 :

Par consigne, il faut entendre notamment toutes mesures prohibitives, interdictions, instructions formelles, données aux membres des Forces Armées ou corps assimilés.

Quiconque, au service des Forces Armées, de la Police Nationale et du Service National, viole une consigne générale donnée à la troupe ou une consigne qu'il a personnellement reçu mission de faire exécuter ou force une consigne donnée à un militaire, est puni de trois à dix ans de servitude pénale.

L'instigateur sera puni de quinze ans de servitude pénale.

La peine de mort pourra être prononcée lorsque la violation de la consigne a été commise en présence de l'ennemi ou d'une bande armée, en temps de guerre ou pendant les circonstances exceptionnelles, ou lorsque la sécurité d'un établissement militaire, d'une formation, d'un aéronef ou d'un navire militaire est menacée.

Article 114 :

En temps de guerre ou dans une région où l'état de siège ou d'urgence est proclamé, est puni de mort tout commandant d'une unité ou formation, d'un navire de la force navale militaire ou assimilé, d'un aéronef militaire ou assimilé, tout militaire, tout individu au service des Forces Armées qui, volontairement, n'a pas rempli la mission dont il a été chargé, lorsque cette mission était relative à des opérations de guerre.

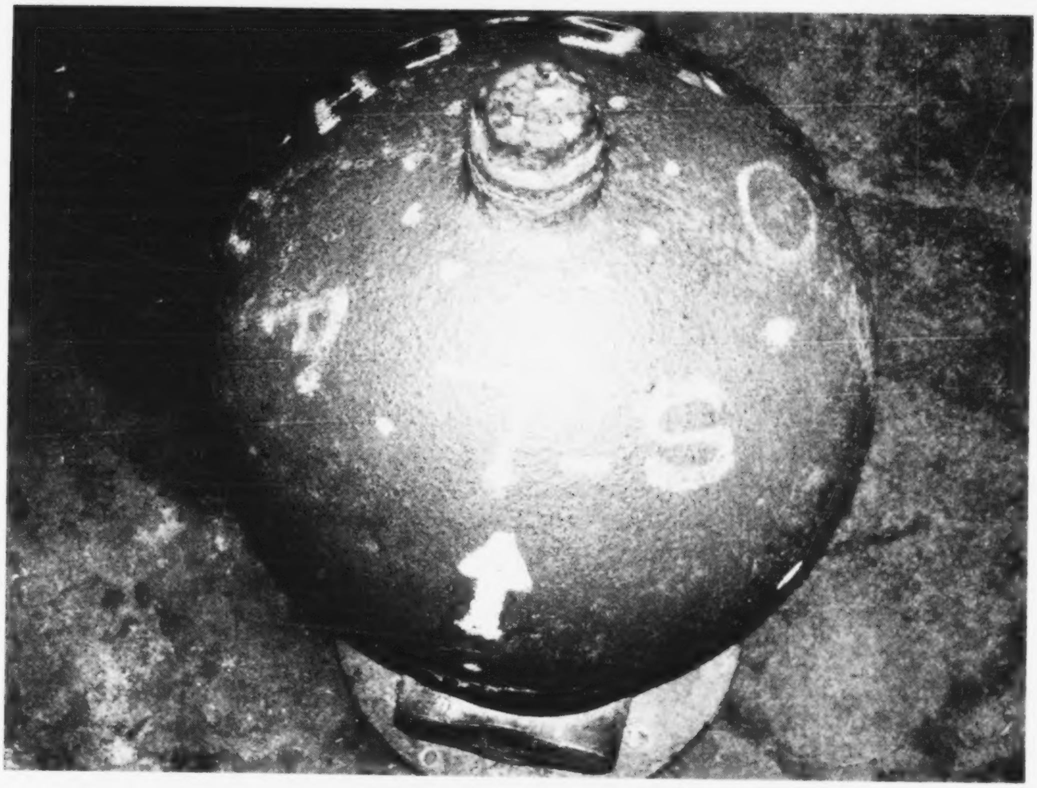
Article 115 :

Si la mission a été manquée par négligence, ou si le coupable s'est laissé surprendre par l'ennemi, ou, du fait de sa négligence, s'est séparé de son chef en présence de l'ennemi ou a été la cause de la prise par l'ennemi d'un navire ou aéronef militaire placé sous ses ordres ou à bord duquel il se trouvait, il est puni de cinq à dix ans de servitude pénale.

Si le coupable est officier, il est en outre puni de la destitution.

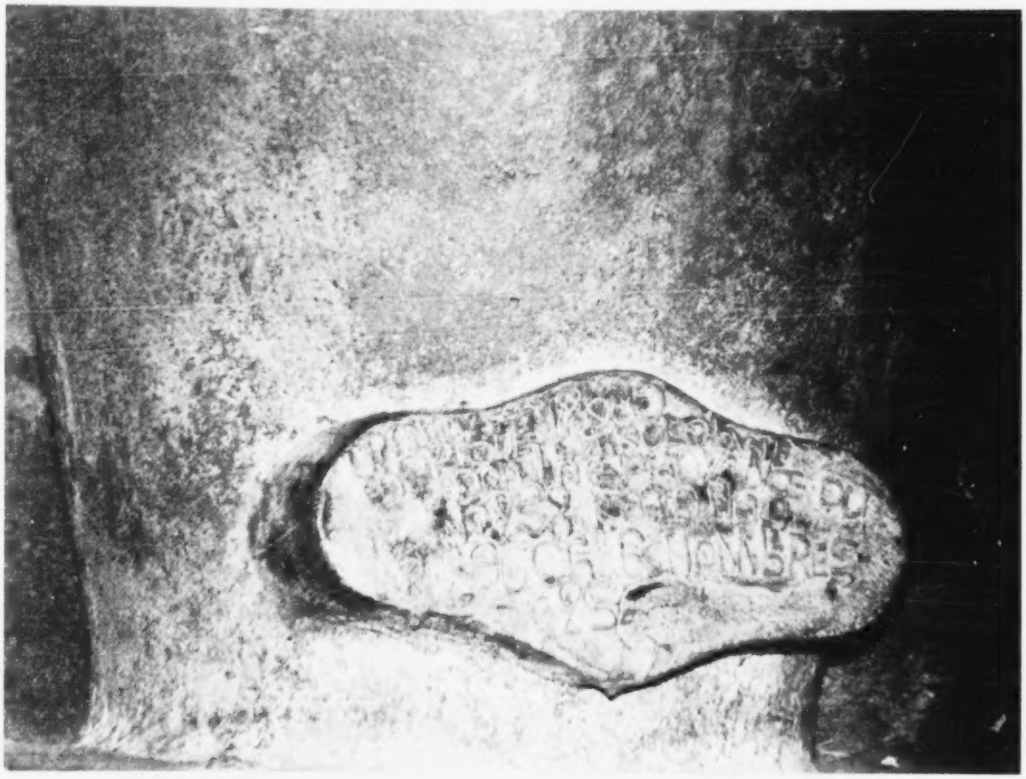
Annex 22

Canister allegedly containing uranium trafficked by FDLR and Établissement Namukaya



Annex 23

Engraving on canister allegedly containing uranium trafficked by FDLR and Établissement Namukaya[a]

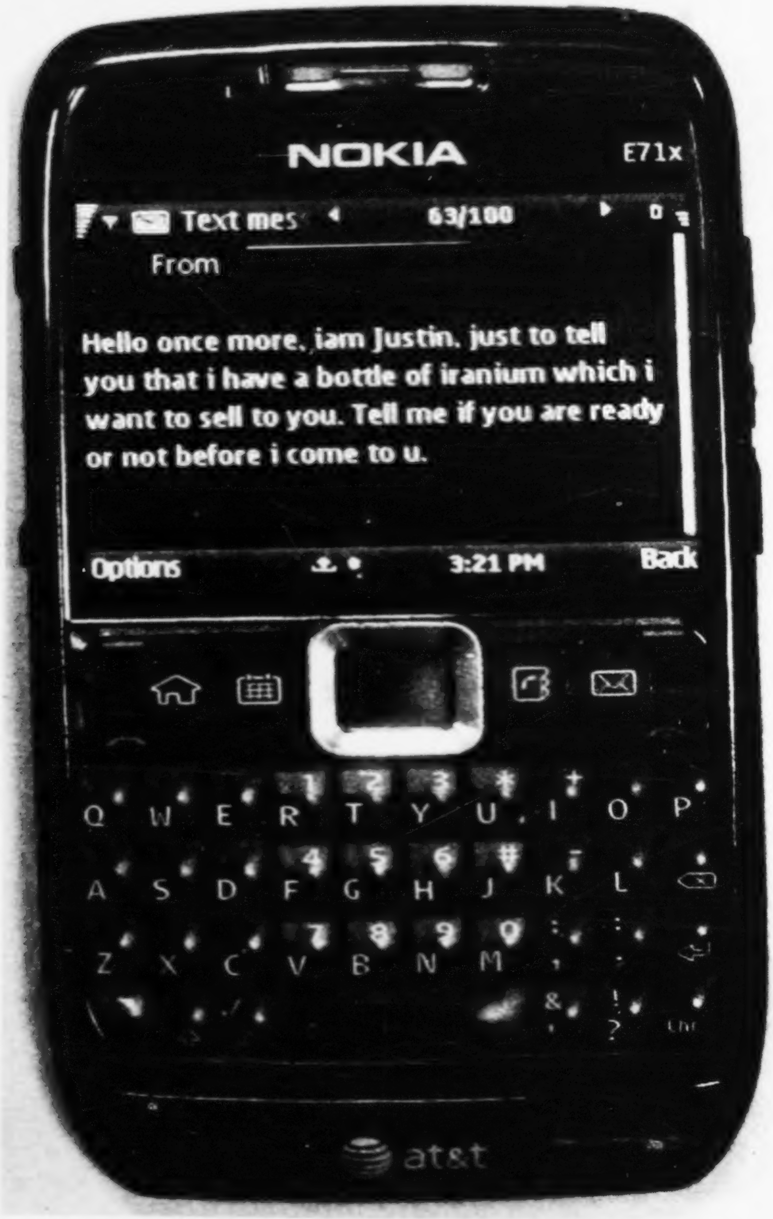


---

[a] It reads: "URANIUM FABRIQUE CHIKOLOBWE DAN LA PROVINCE DU KATANGA 18960, Nr. 238 RX9006-6 CHAMBRES 25".

Annex 24

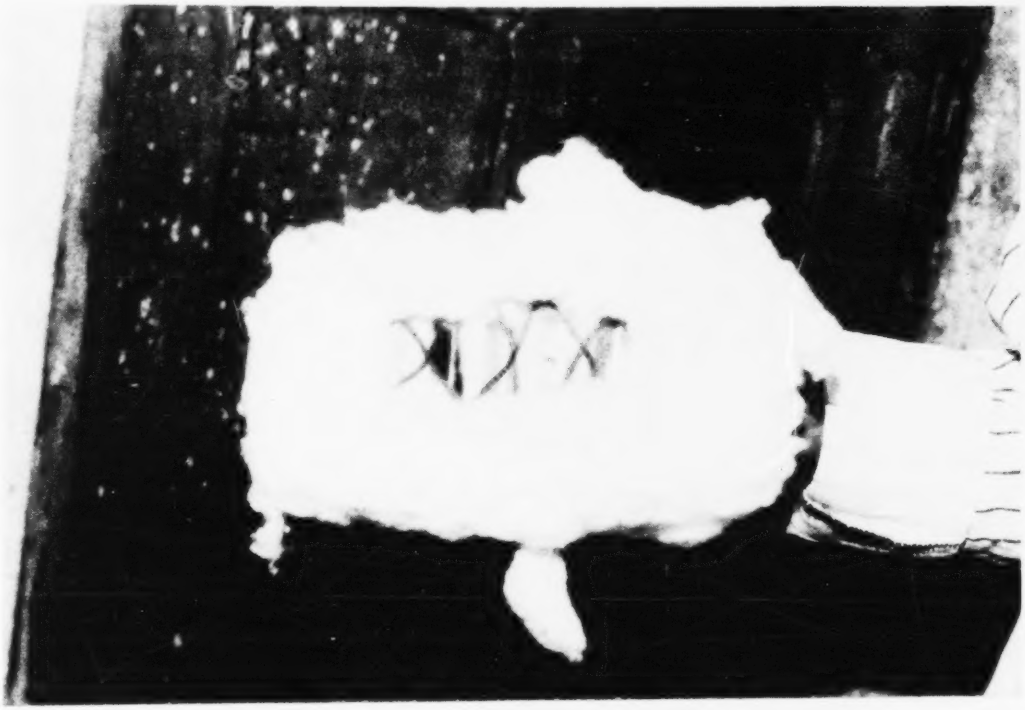
Text message from Établissement Namukaya agent wishing to sell alleged uranium


NOKIA
E71x
Text mes
63/100
From
Options
3:21 PM
Back
at&t

Hello once more. iam Justin. just to tell you that i have a bottle of iranium which i want to sell to you. Tell me if you are ready or not before i come to u.

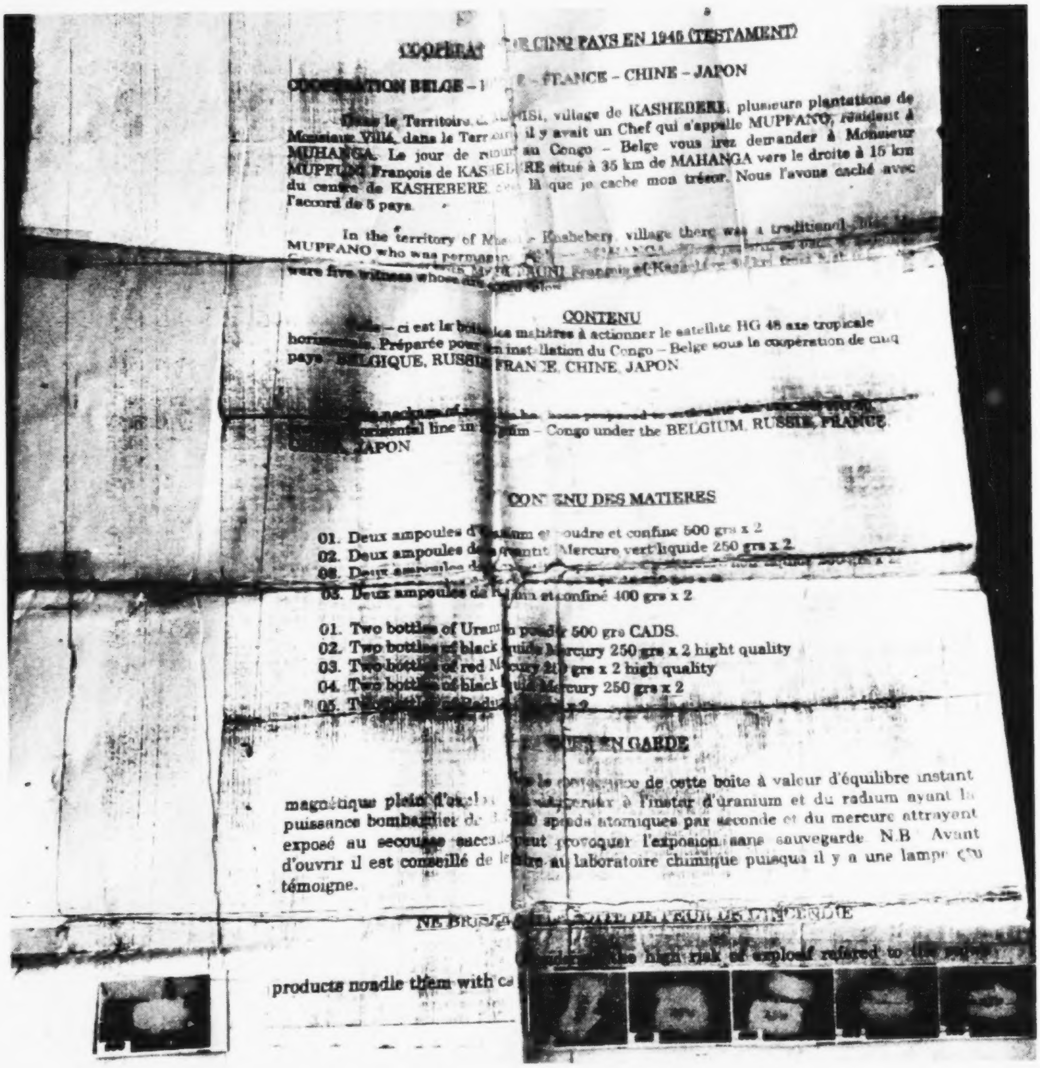
Annex 25

Photograph of alleged uranium in the possession of Établissement Namukaya agents



Annex 26

Description of minerals in the possession of Établissement Namukaya agents[a]



COOPERA[illegible] [illegible] CINQ PAYS EN 1945 (TESTAMENT)

[illegible]ATION BELGE – [illegible] – FRANCE – CHINE – JAPON

Dans le Territoire [illegible]ISI, village de KASHEBERE, plusieurs plantations de Monsieur Villé, dans le Terr[illegible] il y avait un Chef qui s'appelle MUPFANO, résident à MUHANGA. Le jour de [illegible] au Congo – Belge vous irez demander à Monsieur MUPF[illegible] François de KAS[illegible]RE situé à 35 km de MAHANGA vers le droite à 15 km du centre de KASHEBERE [illegible] là que je cache mon trésor. Nous l'avons caché avec l'accord de 5 pays.

In the territory of M[illegible] – Kashebery village there was a traditional [illegible] MUPFANO who was permane[illegible] [illegible] MUHANGA [illegible] [illegible] [illegible] François of Kash[illegible] [illegible] [illegible] were five witness whose [illegible]

CONTENU

[illegible] – ci est la boîte [illegible] matières à actionner le satellite HG 48 axe tropicale horiz[illegible]. Préparée pour [illegible] installation du Congo – Belge sous la coopération de cinq pays BELGIQUE, RUSSIE, FRANCE, CHINE, JAPON

[illegible] horizontal line in [illegible] – Congo under the BELGIUM, RUSSIE, FRANCE, [illegible] JAPON

CON[illegible]NU DES MATIERES

01. Deux ampoules d'[illegible] et poudre et confine 500 grs x 2
02. Deux ampoules de [illegible] Mercure vert liquide 250 grs x 2.
03. Deux ampoules [illegible]
03. Deux ampoules de [illegible] et confiné 400 grs x 2

01. Two bottles of Uran[illegible] powd[illegible] 500 grs CADS.
02. Two bottles of black liquid Mercury 250 grs x 2 hight quality
03. Two bottles of red Mercury 2[illegible] grs x 2 high quality
04. Two bottles of black liquid Mercury 250 grs x 2
05. T[illegible] x 2

[illegible] EN GARDE

[illegible] le contenance de cette boite à valeur d'équilibre instant magnétique plein d'[illegible] [illegible] à l'instar d'uranium et du radium ayant la puissance bombardier de [illegible] speeds atomiques par seconde et du mercure attrayant exposé au secousse [illegible] peut provoquer l'exposion sans sauvegarde. N.B. Avant d'ouvrir il est conseillé de [illegible] au laboratoire chimique puisqu'il y a une lampe qui témoigne.

NE BRIS[illegible]

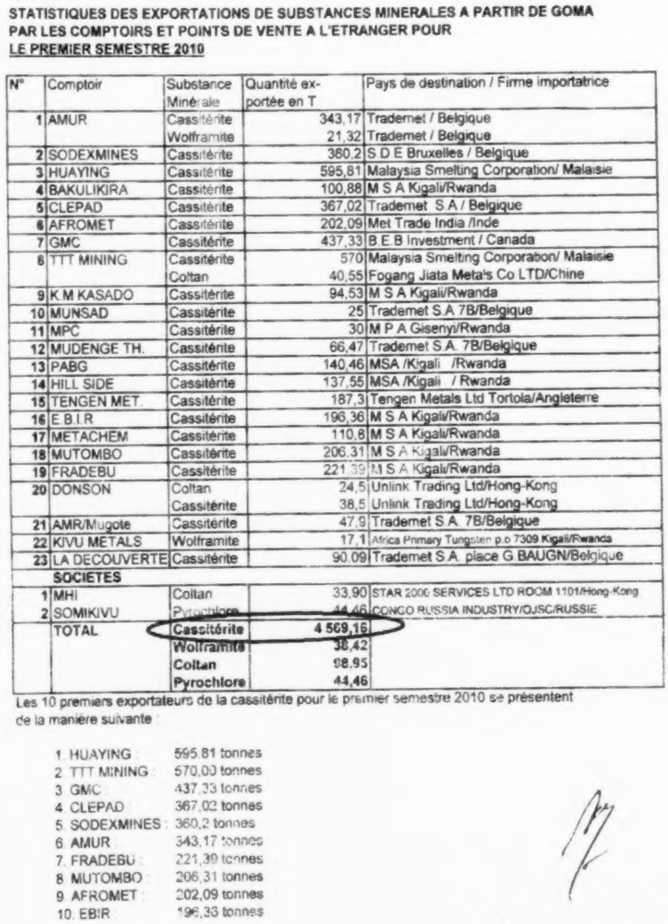
[illegible] the high risk of explosif refered to the [illegible] products handle them with ca[illegible]

---

[a] The Group has reservations about the credibility of this document.

Annex 27

Document obtained from the provincial mining division demonstrating total exports of cassiterite from North Kivu Province during the first half of 2010[a]



STATISTIQUES DES EXPORTATIONS DE SUBSTANCES MINERALES A PARTIR DE GOMA PAR LES COMPTOIRS ET POINTS DE VENTE A L'ETRANGER POUR LE PREMIER SEMESTRE 2010

N°	Comptoir	Substance Minérale	Quantité exportée en T	Pays de destination / Firme importatrice
1	AMUR	Cassitérite	343,17	Trademet / Belgique
		Wolframite	21,32	Trademet / Belgique
2	SODEXMINES	Cassitérite	360,2	S D E Bruxelles / Belgique
3	HUAYING	Cassitérite	595,81	Malaysia Smelting Corporation/ Malaisie
4	BAKULIKIRA	Cassitérite	100,88	M S A Kigali/Rwanda
5	CLEPAD	Cassitérite	367,02	Trademet S A / Belgique
6	AFROMET	Cassitérite	202,09	Met Trade India /Inde
7	GMC	Cassitérite	437,33	B.E.B Investment / Canada
8	TTT MINING	Cassitérite	570	Malaysia Smelting Corporation/ Malaisie
		Coltan	40,55	Fogang Jiata Metals Co LTD/Chine
9	K M KASADO	Cassitérite	94,53	M S A Kigali/Rwanda
10	MUNSAD	Cassitérite	25	Trademet S.A 7B/Belgique
11	MPC	Cassitérite	30	M P A Gisenyi/Rwanda
12	MUDENGE TH.	Cassitérite	66,47	Trademet S.A. 7B/Belgique
13	PABG	Cassitérite	140,46	MSA /Kigali /Rwanda
14	HILL SIDE	Cassitérite	137,55	MSA /Kigali / Rwanda
15	TENGEN MET.	Cassitérite	187,3	Tengen Metals Ltd Tortola/Angleterre
16	E.B.I.R	Cassitérite	196,36	M S A Kigali/Rwanda
17	METACHEM	Cassitérite	110,8	M S A Kigali/Rwanda
18	MUTOMBO	Cassitérite	206,31	M S A Kigali/Rwanda
19	FRADEBU	Cassitérite	221,39	M S A Kigali/Rwanda
20	DONSON	Coltan	24,5	Unlink Trading Ltd/Hong-Kong
		Cassitérite	38,5	Unlink Trading Ltd/Hong-Kong
21	AMR/Mugote	Cassitérite	47,9	Trademet S A. 7B/Belgique
22	KIVU METALS	Wolframite	17,1	Africa Primary Tungsten p.o 7309 Kigali/Rwanda
23	LA DECOUVERTE	Cassitérite	90,09	Trademet S.A. place G.BAUGN/Belgique
	SOCIETES			
1	MHI	Coltan	33,90	STAR 2000 SERVICES LTD ROOM 1101/Hong-Kong
2	SOMIKIVU	Pyrochlore	44,46	CONGO RUSSIA INDUSTRY/OJSC/RUSSIE
	TOTAL	**Cassitérite**	**4 569,16**	
		Wolframite	**38,42**	
		Coltan	**98,95**	
		Pyrochlore	**44,46**	

Les 10 premiers exportateurs de la cassitérite pour le premier semestre 2010 se présentent de la manière suivante :

1. HUAYING : 595.81 tonnes
2. TTT MINING : 570,00 tonnes
3. GMC : 437,33 tonnes
4. CLEPAD : 367,02 tonnes
5. SODEXMINES : 360,2 tonnes
6. AMUR : 343,17 tonnes
7. FRADEBU : 221,39 tonnes
8. MUTOMBO : 206,31 tonnes
9. AFROMET : 202,09 tonnes
10. EBIR : 196,33 tonnes

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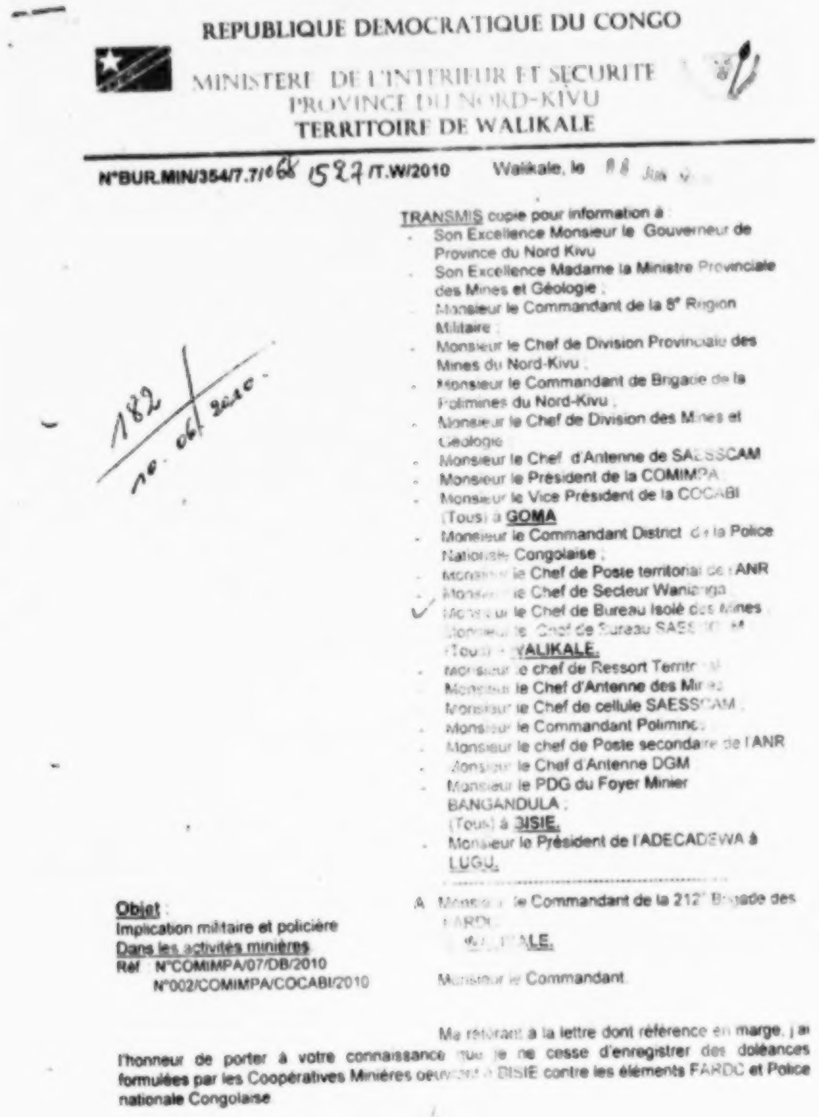
[a] According to mining statistics in Walikale, Bisie produced approximately 3,000 tonnes of cassiterite over this period.

Annex 28

Letter from Walikale Territorial Administrator to Lieutenant Colonel Yusuf Mboneza, commander of the 212th brigade, denouncing the involvement of his soldiers in mining activities at Bisie



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE L'INTERIEUR ET SECURITE
PROVINCE DU NORD-KIVU
TERRITOIRE DE WALIKALE

N°BUR.MIN/354/7.7/068 1527 /T.W/2010   Walikale, le 08 Juin [illegible]

182
10.06/2010

TRANSMIS copie pour information à :
- Son Excellence Monsieur le Gouverneur de Province du Nord Kivu
- Son Excellence Madame la Ministre Provinciale des Mines et Géologie ;
- Monsieur le Commandant de la 8° Région Militaire ;
- Monsieur le Chef de Division Provinciale des Mines du Nord-Kivu ;
- Monsieur le Commandant de Brigade de la Polimines du Nord-Kivu ;
- Monsieur le Chef de Division des Mines et Géologie ;
- Monsieur le Chef d'Antenne de SAESSCAM
- Monsieur le Président de la COMIMPA ;
- Monsieur le Vice Président de la COCABI
  (Tous) à **GOMA**
- Monsieur le Commandant District de la Police Nationale Congolaise ;
- Monsieur le Chef de Poste territorial de l'ANR
- Monsieur le Chef de Secteur Wanianga
- ✓ Monsieur le Chef de Bureau Isolé des Mines ;
- Monsieur le Chef de Bureau SAESSCAM
  (Tous) à **WALIKALE.**
- Monsieur le chef de Ressort Territorial
- Monsieur le Chef d'Antenne des Mines
- Monsieur le Chef de cellule SAESSCAM ;
- Monsieur le Commandant Polimines
- Monsieur le chef de Poste secondaire de l'ANR
- Monsieur le Chef d'Antenne DGM
- Monsieur le PDG du Foyer Minier BANGANDULA ;
  (Tous) à **BISIE.**
- Monsieur le Président de l'ADECADEWA à LUGU.

A Monsieur le Commandant de la 212° Brigade des FARDC
à **WALIKALE.**

Objet :
Implication militaire et policière
Dans les activités minières.
Réf : N°COMIMPA/07/DB/2010
N°002/COMIMPA/COCABI/2010

Monsieur le Commandant,

Me référant à la lettre dont référence en marge, j'ai l'honneur de porter à votre connaissance que je ne cesse d'enregistrer des doléances formulées par les Coopératives Minières oeuvrant à BISIE contre les éléments FARDC et Police nationale Congolaise

De l'exploitation de ces différentes correspondances, il se dégage malheureusement que vos éléments prélèvent délibérément à la sortie de chaque galerie, une quantité de minerai, perçoivent illégalement des taxes et se livrent même à l'exploitation minière artisanale contrairement à la loi régissant les activités minières en république Démocratique du Congo.

Pour votre gouverne, il y a lieu de retenir que dans la Région des Grands Lacs, l'exploitation et le commerce des minerais éprouvent une série de problèmes inter reliés. En tête de liste vient l'implication active des militaires alors qu'en R.D Congo l'article 27 de la loi n°007/02 du 11 juillet 2002 portant Code Minier classe les agents et fonctionnaires de l'Etat, les magistrats, les membres des forces armées, la Police et les services de sécurité comme des personnes non éligibles dans les activités minières et/ou de carrières.

Notez en plus que dans le rapport du Conseil de Sécurité des nations Unies du 23 novembre 2009, il a été recommandé au Gouvernement Congolais, la création d'un Tribunal national chargé de poursuivre les auteurs d'abus de pouvoir militaire et policier en rapport avec l'exploitation illicite des ressources naturelles.

Etant donné que ces actes sont de nature de discréditer le pays à l'échelle internationale, je vous invite ensemble avec le Commandant de District de la Police Nationale Congolaise de s'investir sur la question.

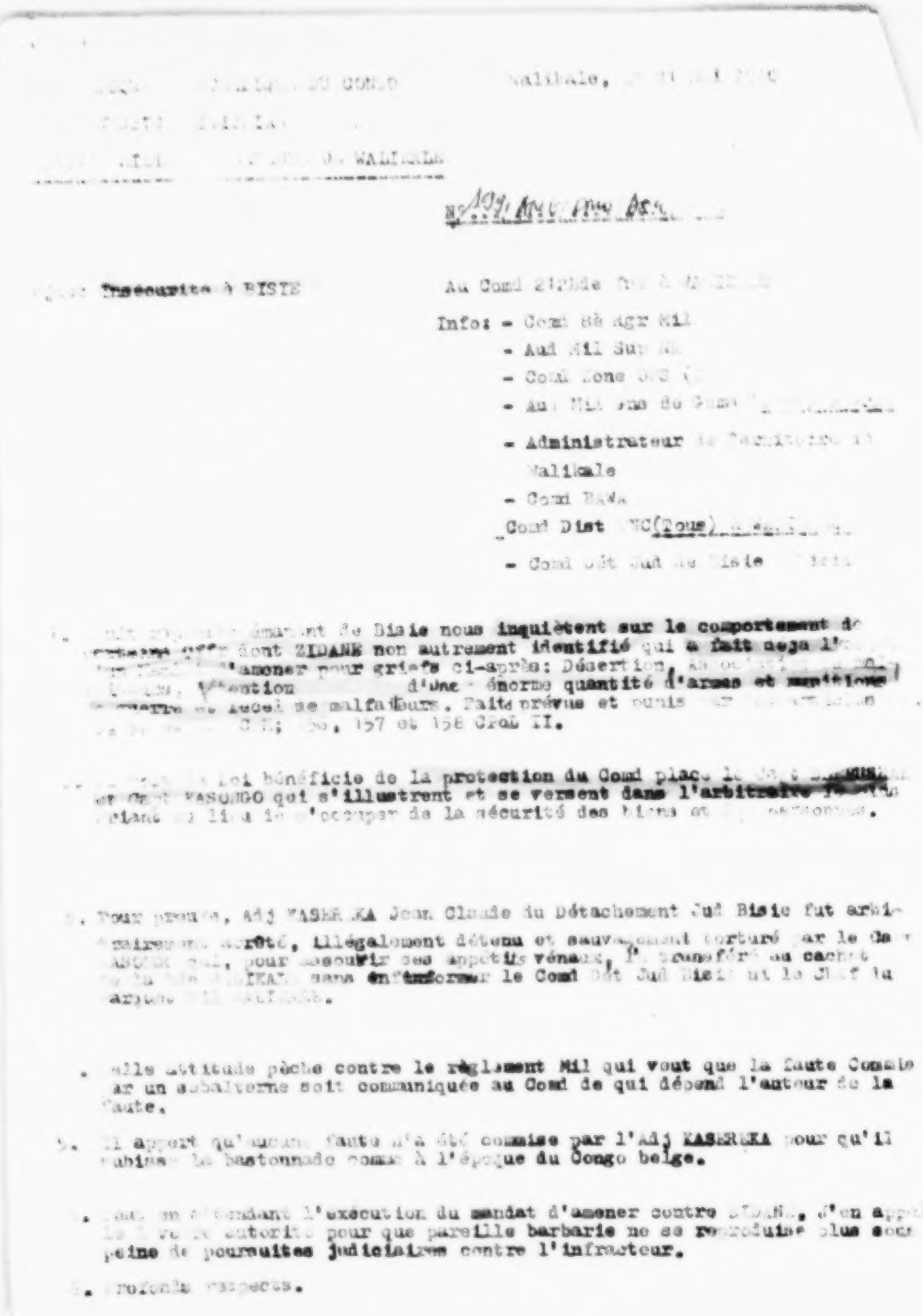
Sentiments patriotiques.

L'ADMINISTRATEUR DE TERRITOIRE

Dieudonné TSHISHIKU MUTOKE

Annex 29

Letter from the Military Prosecutor's Office denouncing Captain Zidane and overall insecurity at Bisie by soldiers of the 212th brigade



[illegible] DU CONGO
[illegible]
[illegible] WALIKALE

Walikale, le 31 [illegible]

N°199/[illegible]

Objet: Insécurité à BISIE

Au Comd 212ème Bde [illegible]

Infos:
- Comd 8è Agr Mil
- Aud Mil Sup [illegible]
- Comd Zone [illegible]
- Aud Mil [illegible]
- Administrateur [illegible] Walikale
- Comd BAWA
- Comd Dist [illegible] (Tous) [illegible]
- Comd Dét Jud de Bisie [illegible]

1. [illegible] émanant de Bisie nous inquiètent sur le comportement de [illegible] dont ZIDANE non autrement identifié qui a fait déjà l'[illegible] d'amener pour griefs ci-après: Désertion, [illegible], détention d'une énorme quantité d'armes et munitions [illegible] de malfaiteurs. Faits prévus et punis [illegible] C.P.; 156, 157 et 158 [illegible] II.

2. [illegible] bénéficie de la protection du Comd place [illegible] et [illegible] KASONGO qui s'illustrent et se versent dans l'arbitraire [illegible] de la sécurité des biens et [illegible].

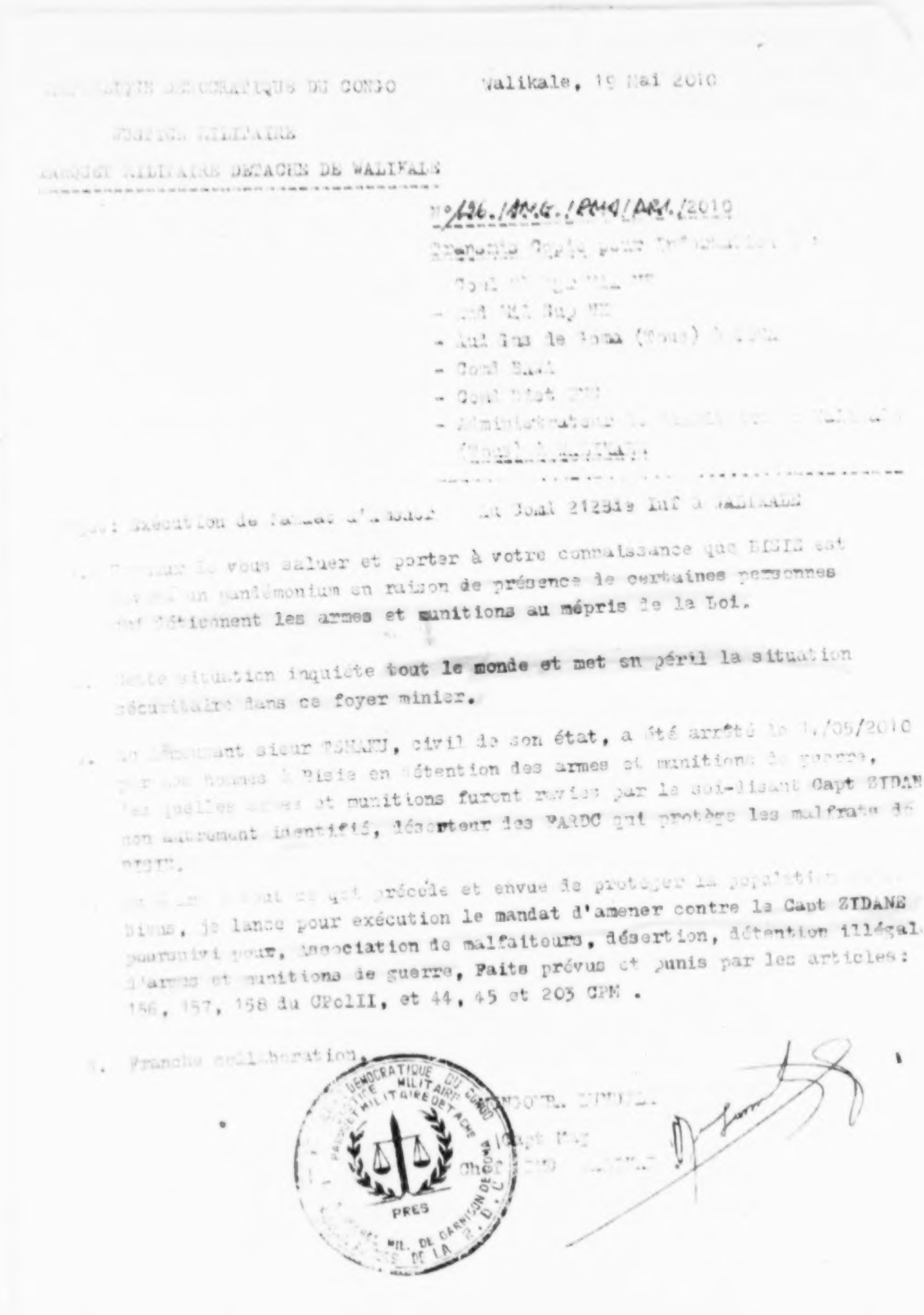
3. Pour preuve, Adj KASERKA Jean Claude du Détachement Jud Bisie fut arbitrairement arrêté, illégalement détenu et sauvagement torturé par le [illegible] KASONGO qui, pour assouvir ses appétits vénaux, l'a transféré au cachot [illegible] sans en informer le Comd Dét Jud Bisie et le Chef [illegible].

4. [illegible] attitude pèche contre le règlement Mil qui veut que la faute Commise par un subalterne soit communiquée au Comd de qui dépend l'auteur de la faute.

5. Il appert qu'aucune faute n'a été commise par l'Adj KASERUKA pour qu'il subisse la bastonnade comme à l'époque du Congo belge.

6. [illegible] en attendant l'exécution du mandat d'amener contre ZIDANE, j'en appelle [illegible] autorité pour que pareille barbarie ne se reproduise plus sous peine de poursuites judiciaires contre l'infracteur.

7. Profonds respects.



REPUBLIQUE DEMOCRATIQUE DU CONGO Walikale, 19 Mai 2010

JUSTICE MILITAIRE

PARQUET MILITAIRE DETACHE DE WALIKALE

N°126./AM.G./PMW/DR1./2010

Transmis Copie pour information à :

Comd [illegible]
- [illegible]
- Aud Gnl de Goma (Tous) [illegible]
- Comd [illegible]
- Comd Dist [illegible]
- Administrateur [illegible] Walikale
(Tous) à [illegible]

A Comd 212Bis Inf à WALIKALE

Objet : Exécution de mandat d'amener

1. [illegible] de vous saluer et porter à votre connaissance que BISIE est devenu un pandémonium en raison de présence de certaines personnes qui détiennent les armes et munitions au mépris de la Loi.

2. Cette situation inquiète tout le monde et met en péril la situation sécuritaire dans ce foyer minier.

3. Le nommé sieur TSHAKU, civil de son état, a été arrêté le 1./05/2010 par nos hommes à Bisie en détention des armes et munitions de guerre, lesquelles armes et munitions furent ravies par le soi-disant Capt ZIDAN non autrement identifié, déserteur des FARDC qui protège les malfrats de BISIE.

4. Au vu de tout ce qui précède et envue de protéger la population de Bisie, je lance pour exécution le mandat d'amener contre le Capt ZIDANE poursuivi pour, association de malfaiteurs, désertion, détention illégal d'armes et munitions de guerre, Faits prévus et punis par les articles : 156, 157, 158 du CPolII, et 44, 45 et 203 CPM .

5. Franche collaboration.

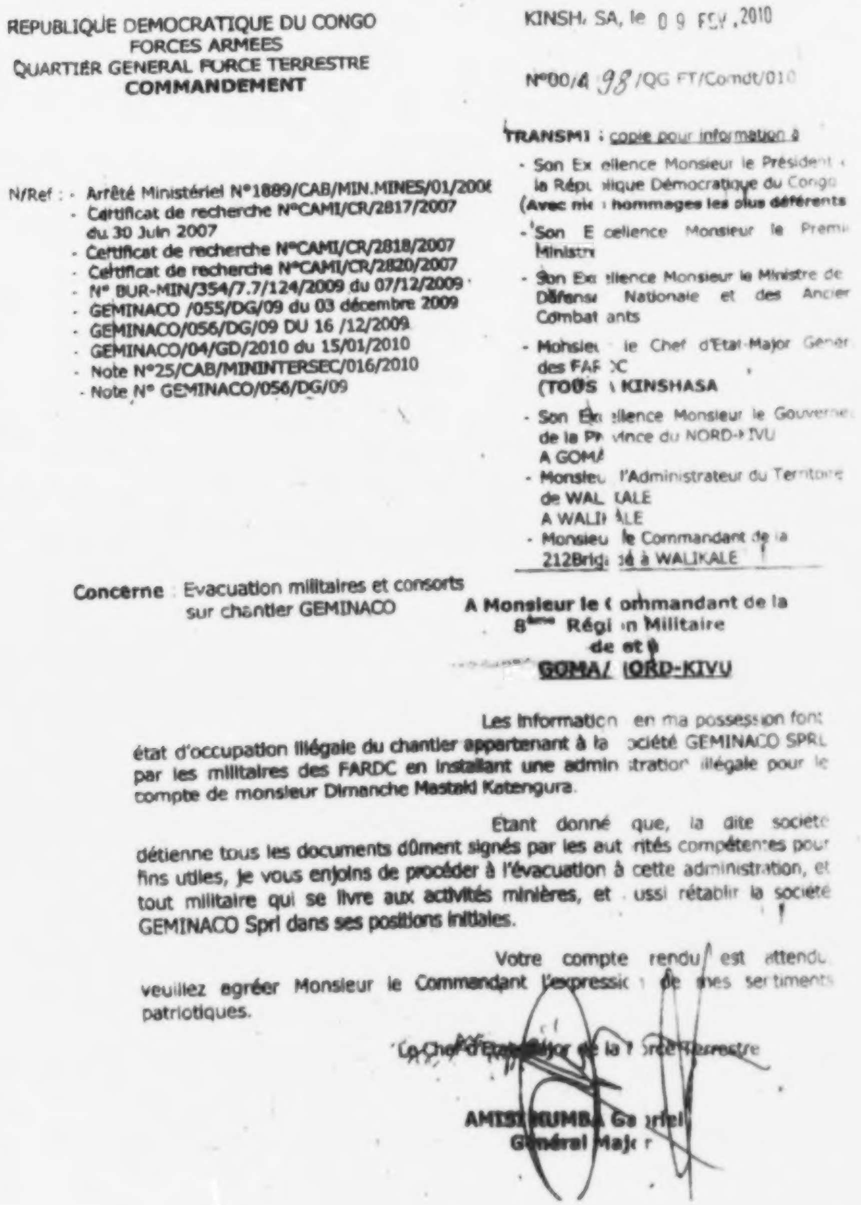
[illegible]

1 Capt Mag

Chef [illegible]

Annex 30

Letter from General Amisi ordering the removal of soldiers from the 212th brigade and the installation of the mining company Geminaco on 9 February 2010



REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
QUARTIER GENERAL FORCE TERRESTRE
COMMANDEMENT

KINSH. SA, le 0 9 FEV .2010

N°00/4 98 /QG FT/Comdt/010

TRANSMI : copie pour information à

- Son Ex ellence Monsieur le Président la Répu lique Démocratique du Congo **(Avec mi hommages les plus déférents**
- Son E cellence Monsieur le Premi Ministr
- Son Ex ellence Monsieur le Ministre de Défens Nationale et des Ancier Combat ants
- Monsie le Chef d'Etat-Major Géner des FAR C **(TOUS KINSHASA**
- Son Ex ellence Monsieur le Gouverne de la Pr vince du NORD-KIVU A GOM
- Monsieu l'Administrateur du Territoire de WAL KALE A WALI ALE
- Monsieu le Commandant de la 212Brig de à WALIKALE

N/Ref :
- Arrêté Ministériel N°1889/CAB/MIN.MINES/01/2006
- Certificat de recherche N°CAMI/CR/2817/2007 du 30 Juin 2007
- Certificat de recherche N°CAMI/CR/2818/2007
- Certificat de recherche N°CAMI/CR/2820/2007
- N° BUR-MIN/354/7.7/124/2009 du 07/12/2009
- GEMINACO /055/DG/09 du 03 décembre 2009
- GEMINACO/056/DG/09 DU 16 /12/2009
- GEMINACO/04/GD/2010 du 15/01/2010
- Note N°25/CAB/MININTERSEC/016/2010
- Note N° GEMINACO/056/DG/09

Concerne : Evacuation militaires et consorts sur chantier GEMINACO

A Monsieur le ommandant de la
8ème Régi n Militaire
de et à
GOMA/ ORD-KIVU

Les Informatic en ma possession font état d'occupation illégale du chantier appartenant à la ociété GEMINACO SPRL par les militaires des FARDC en installant une admin stration illégale pour le compte de monsieur Dimanche Mastaki Katengura.

Etant donné que, la dite société détienne tous les documents dûment signés par les aut rités compétentes pour fins utiles, je vous enjoins de procéder à l'évacuation à cette administration, et tout militaire qui se livre aux activités minières, et ussi rétablir la société GEMINACO Sprl dans ses positions initiales.

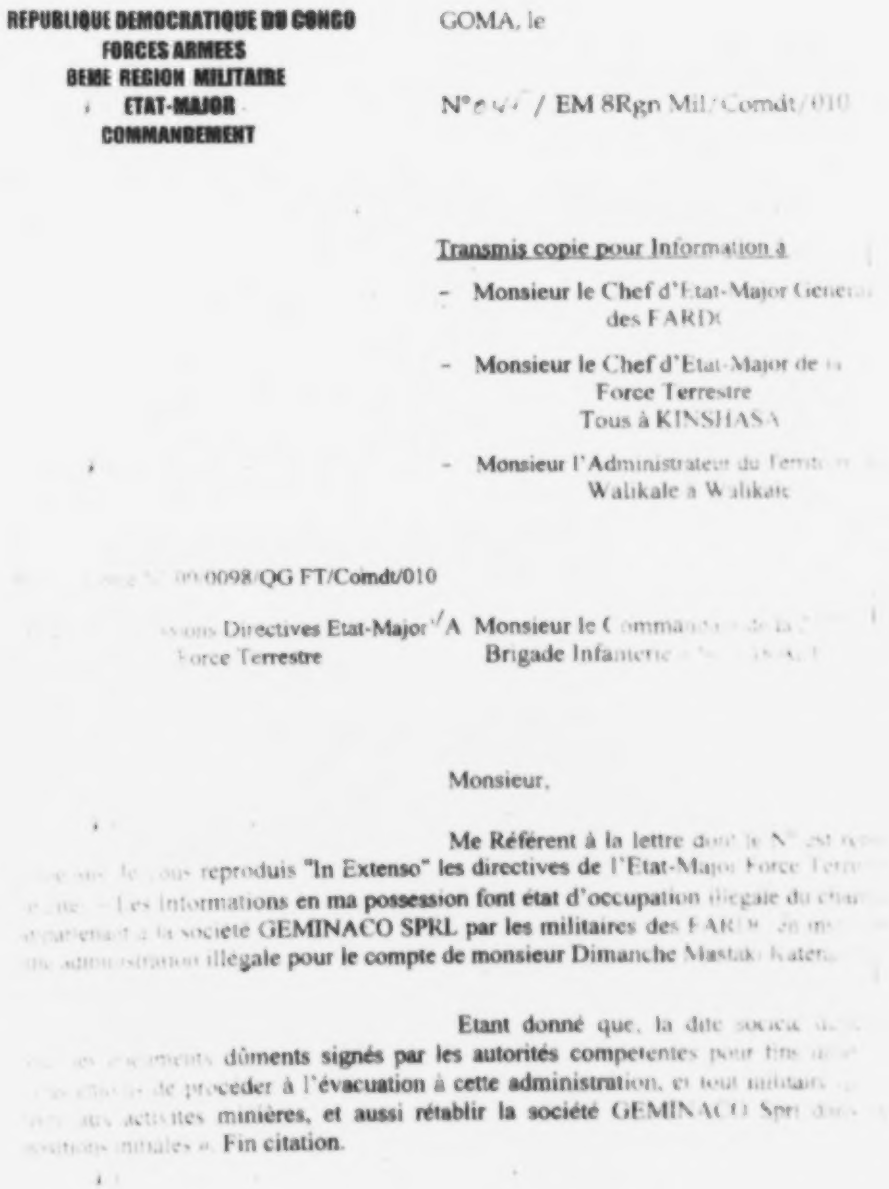
Votre compte rendu est attendu. veuillez agréer Monsieur le Commandant l'expressic de mes sentiments patriotiques.

Le Chef d'Etat-Major de la orce Terrestre

AMISI KUMBA Ga riel
Général Maj r

Annex 31

Letter from 8th Military Region Commander, General Vainqueur Mayala, relaying an order of General Amisi



REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
8EME REGION MILITAIRE
ETAT-MAJOR
COMMANDEMENT

GOMA, le

N°[illegible] / EM 8Rgn Mil/Comdt/010

Transmis copie pour Information à

- **Monsieur le Chef d'Etat-Major Général des FARDC**
- **Monsieur le Chef d'Etat-Major de la Force Terrestre**
  Tous à KINSHASA
- **Monsieur l'Administrateur du Territoire de Walikale à Walikale**

[illegible] N° 09/0098/QG FT/Comdt/010

[illegible] Directives Etat-Major Force Terrestre

A Monsieur le Commandant de la [illegible] Brigade Infanterie [illegible]

Monsieur,

Me Référent à la lettre dont le N° est [illegible] **je vous reproduis "In Extenso" les directives de l'Etat-Major Force Terrestre** [illegible] « Les informations **en ma possession font état d'occupation** illégale du [illegible] appartenant à la société **GEMINACO SPRL par les militaires des** FARDC [illegible] une administration **illégale pour le compte de monsieur Dimanche** Mastaki Katera [illegible]

Etant donné que, la dite société [illegible] les documents **dûments signés par les autorités compétentes** pour [illegible] de procéder **à l'évacuation à cette administration**, et tout militaire [illegible] aux activités **minières, et aussi rétablir la société** GEMINACO Sprl dans [illegible] positions initiales ». **Fin citation.**

Votre Rapport d'exécution est attendu dès la réception de cette lettre.

Veuillez agréer Monsieur le Commandant l'expression de mes sentiments patriotiques.

Le Commandant de la 8ème Région Militaire

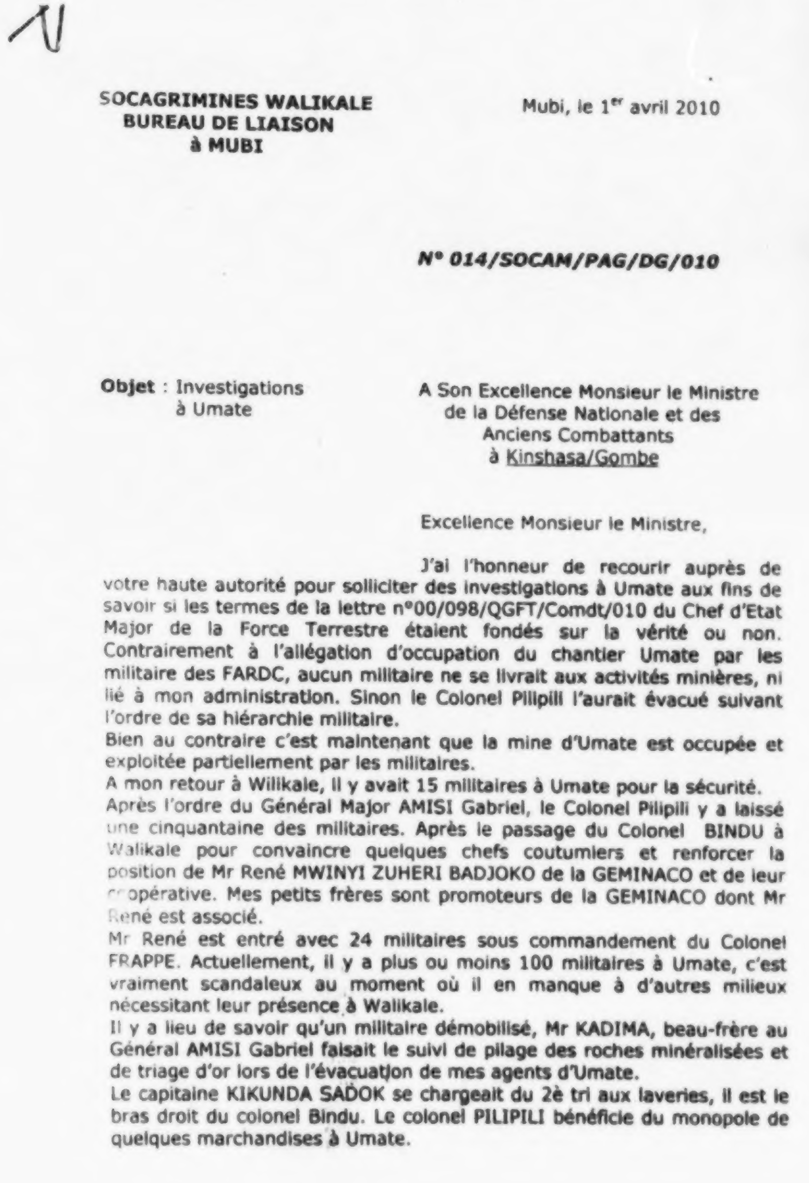
MAYALA KIAMA VAINQUEUR
Général de Brigade

Annex 32

Photos of those injured in violent confrontations with the 212th brigade during protests against the arrival of Geminaco with military escorts at Mubi in early March 2010

Annex 33

Letter from Socagrimines addressed to the Minister of National Defence, Charles Mwando Nsimba, denouncing the militarization of Omate by Geminaco



SOCAGRIMINES WALIKALE
BUREAU DE LIAISON
à MUBI

Mubi, le 1er avril 2010

N° 014/SOCAM/PAG/DG/010

Objet : Investigations
à Umate

A Son Excellence Monsieur le Ministre
de la Défense Nationale et des
Anciens Combattants
à Kinshasa/Gombe

Excellence Monsieur le Ministre,

J'ai l'honneur de recourir auprès de votre haute autorité pour solliciter des investigations à Umate aux fins de savoir si les termes de la lettre n°00/098/QGFT/Comdt/010 du Chef d'Etat Major de la Force Terrestre étaient fondés sur la vérité ou non. Contrairement à l'allégation d'occupation du chantier Umate par les militaire des FARDC, aucun militaire ne se livrait aux activités minières, ni lié à mon administration. Sinon le Colonel Pilipili l'aurait évacué suivant l'ordre de sa hiérarchie militaire.

Bien au contraire c'est maintenant que la mine d'Umate est occupée et exploitée partiellement par les militaires.

A mon retour à Wilikale, il y avait 15 militaires à Umate pour la sécurité.

Après l'ordre du Général Major AMISI Gabriel, le Colonel Pilipili y a laissé une cinquantaine des militaires. Après le passage du Colonel BINDU à Walikale pour convaincre quelques chefs coutumiers et renforcer la position de Mr René MWINYI ZUHERI BADJOKO de la GEMINACO et de leur coopérative. Mes petits frères sont promoteurs de la GEMINACO dont Mr René est associé.

Mr René est entré avec 24 militaires sous commandement du Colonel FRAPPE. Actuellement, il y a plus ou moins 100 militaires à Umate, c'est vraiment scandaleux au moment où il en manque à d'autres milieux nécessitant leur présence à Walikale.

Il y a lieu de savoir qu'un militaire démobilisé, Mr KADIMA, beau-frère au Général AMISI Gabriel faisait le suivi de pilage des roches minéralisées et de triage d'or lors de l'évacuation de mes agents d'Umate.

Le capitaine KIKUNDA SADOK se chargeait du 2è tri aux laveries, il est le bras droit du colonel Bindu. Le colonel PILIPILI bénéficie du monopole de quelques marchandises à Umate.

A qui profite le comptoir d'achat d'or sous contrôle du Capitaine KIKUNDA SADOK et autres activités du capitaine DJUMA venu de Kinshasa pour Umate ?

J'ose espérer que vos investigations pourront dégager la vérité et rétablir le droit.

Veuillez agréer, Excellence Monsieur le Ministre, l'expression de ma considération distinguée.

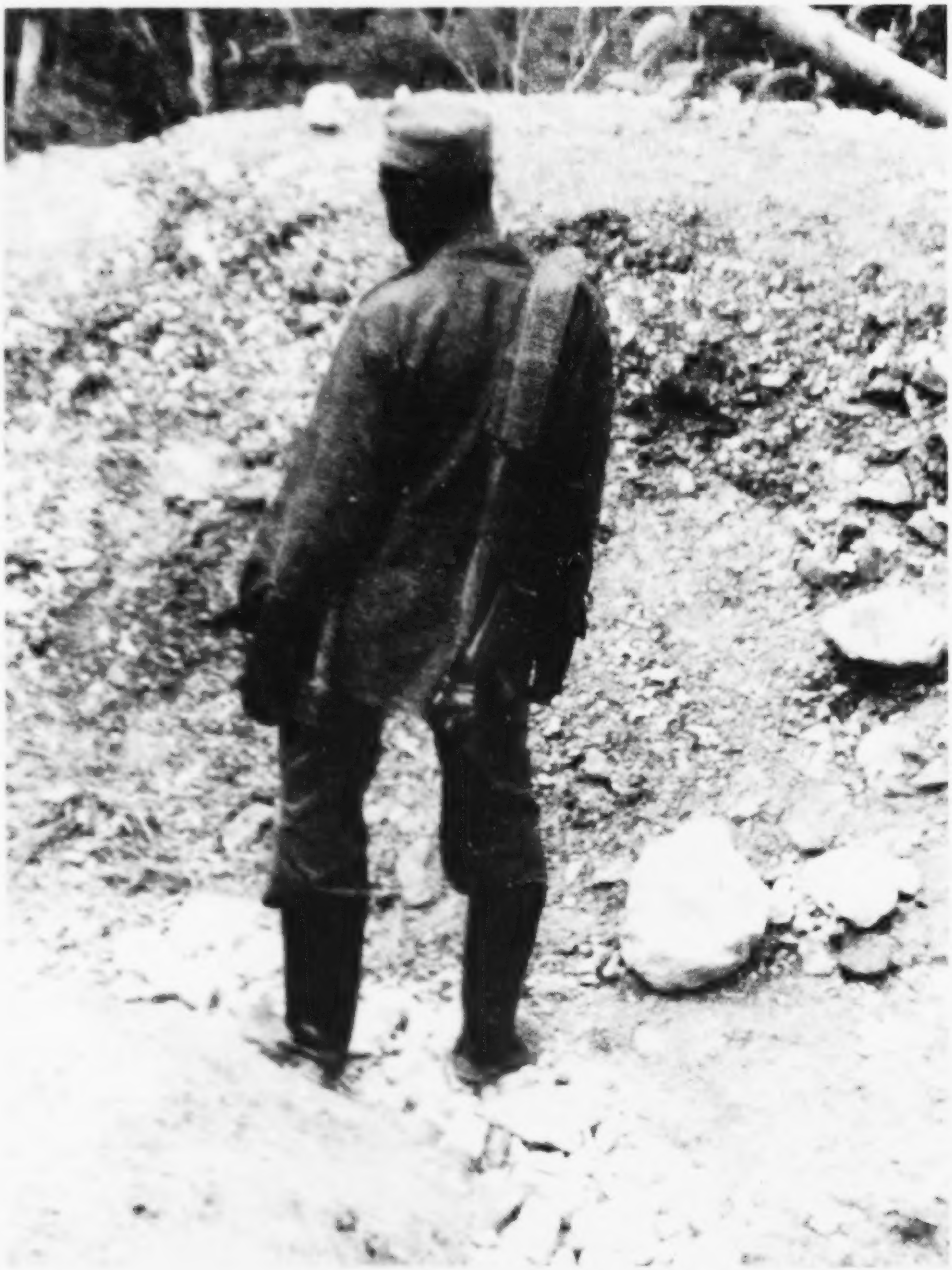
L'Administrateur – Gérant

MASTAKI KATENGURA

C.C :
- S.E Monsieur le Ministre des Mines
- Monsieur le Chef d'Etat Major Général des FARDC
- Monsieur l'Auditeur Général
  (Tous à Kinshasa)
- Monsieur le Commandant de la $8^{ème}$ Rn Milt. Goma
- Monsieur l'Auditeur Supérieur à Goma
- Monsieur l'Auditeur Militaire à Walikale

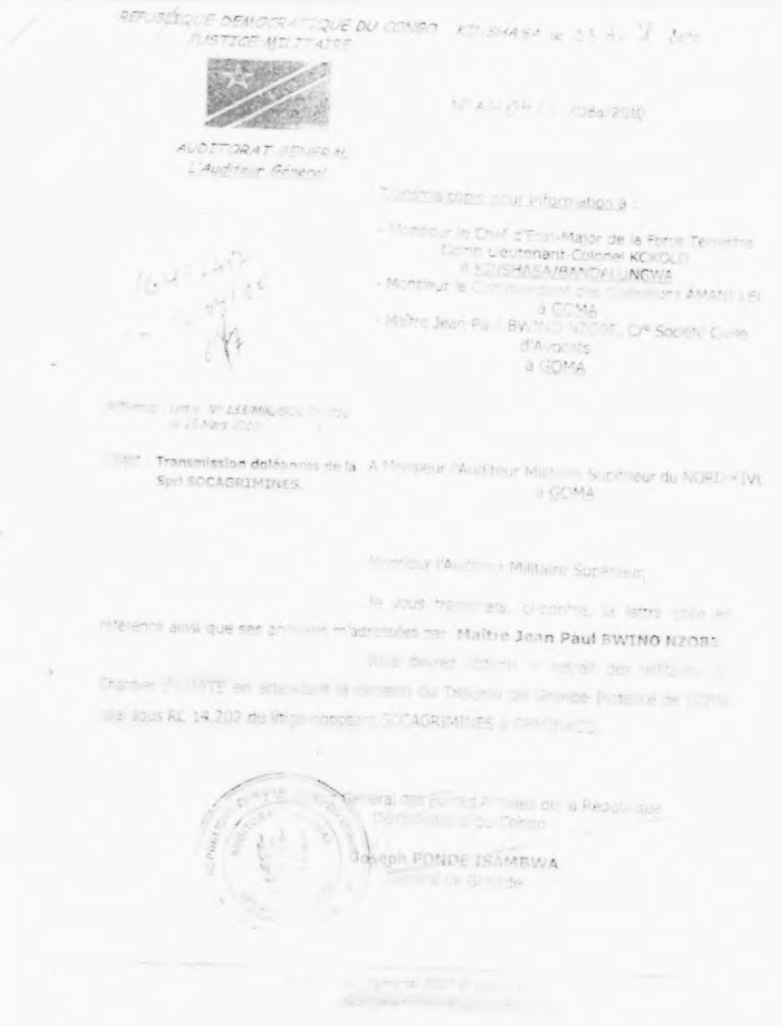
Annex 34

Soldiers of the reserve battalion under the command of Major Safari overseeing mining activities in Omate in July 2010



Annex 35

Letter from the Military Prosecutor's Office in Kinshasa ordering the demilitarization of the Omate mine until the conflict over mining rights is resolved through the judicial system



REPUBLIQUE DEMOCRATIQUE DU CONGO
JUSTICE MILITAIRE

AUDITORAT GENERAL
L'Auditeur Général

KINSHASA le 23 [illegible] 2010

N° AG/ 04 [illegible] /D8a/2010

Transmis copie pour information à :

- Monsieur le Chef d'Etat-Major de la Force Terrestre
  Comp Lieutenant-Colonel KOKOLO
  à KINSHASA/BANDALUNGWA
- Monsieur le Commandant des Opérations AMANI LEO
  à GOMA
- Maître Jean Paul BWINO NZOBE, C/° Société Civile d'Avocats
  à GOMA

Référence : Lettre N° 133/MN/SOC [illegible] du 15 Mars 2010

Objet : **Transmission doléances de la Sprl SOCAGRIMINES.**

A Monsieur l'Auditeur Militaire Supérieur du NORD-KIVU
à GOMA

Monsieur l'Auditeur Militaire Supérieur,

Je vous transmets, ci-contre, la lettre citée en référence ainsi que ses annexes m'adressées par **Maître Jean Paul BWINO NZOBE**.

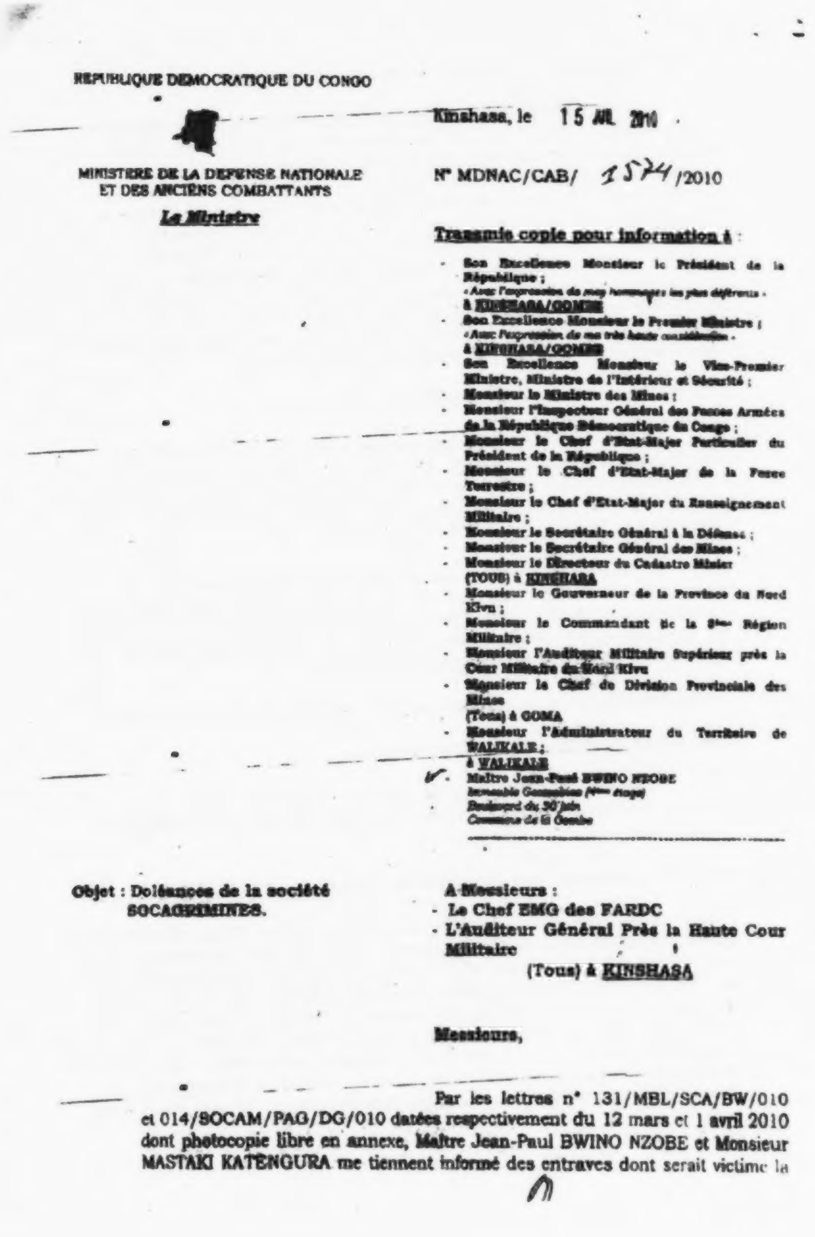
Vous devrez obtenir le retrait des militaires du Chantier d'OMATE en attendant la décision du Tribunal de Grande Instance de GOMA saisi sous RC 14.202 du litige opposant SOCAGRIMINES à [illegible].

L'Auditeur Général des Forces Armées de la République Démocratique du Congo

Joseph PONDE ISAMBWA
Général de Brigade

Annex 36

Letter from Minister of National Defence, Charles Mwando Nsimba, to the Military Prosecutor's Office and the General Army Headquarters asking both to investigate the conflict at Omate



REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS
Le Ministre

Kinshasa, le 15 AVR 2010

N° MDNAC/CAB/ 1574 /2010

Transmis copie pour information à :

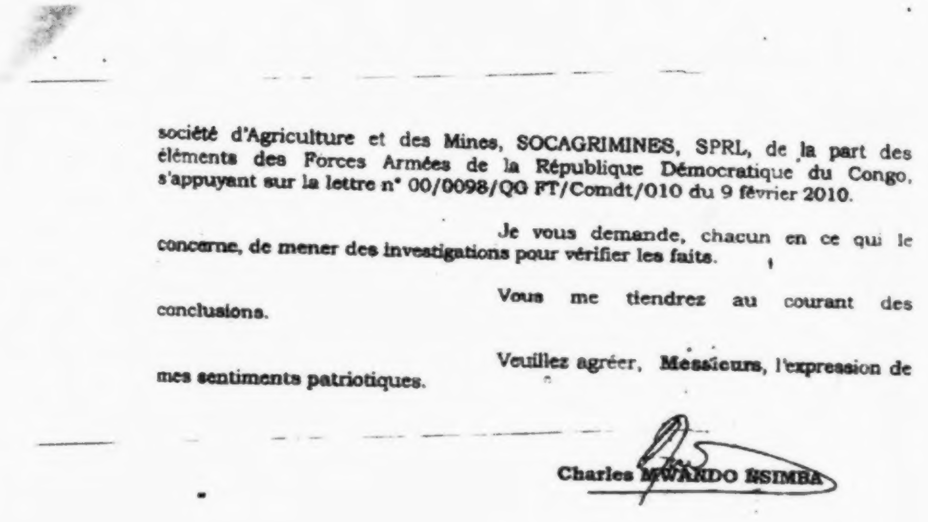
- Son Excellence Monsieur le Président de la République ;
  « Avec l'expression de mes hommages les plus déférents »
  à KINSHASA/GOMBE
- Son Excellence Monsieur le Premier Ministre ;
  « Avec l'expression de ma très haute considération »
  à KINSHASA/GOMBE
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité ;
- Monsieur le Ministre des Mines ;
- Monsieur l'Inspecteur Général des Forces Armées de la République Démocratique du Congo ;
- Monsieur le Chef d'Etat-Major Particulier du Président de la République ;
- Monsieur le Chef d'Etat-Major de la Force Terrestre ;
- Monsieur le Chef d'Etat-Major du Renseignement Militaire ;
- Monsieur le Secrétaire Général à la Défense ;
- Monsieur le Secrétaire Général des Mines ;
- Monsieur le Directeur du Cadastre Minier
  (TOUS) à KINSHASA
- Monsieur le Gouverneur de la Province du Nord Kivu ;
- Monsieur le Commandant de la 8ème Région Militaire ;
- Monsieur l'Auditeur Militaire Supérieur près la Cour Militaire du Nord Kivu
- Monsieur le Chef de Division Provinciale des Mines
  (Tous) à GOMA
- Monsieur l'Administrateur du Territoire de WALIKALE ;
  à WALIKALE
- Maître Jean-Paul BWINO NZOBE
  Immeuble Gecamines (4ème étage)
  Boulevard du 30 juin
  Commune de la Gombe

Objet : Doléances de la société SOCAGRIMINES.

A Messieurs :
- Le Chef EMG des FARDC
- L'Auditeur Général Près la Haute Cour Militaire
(Tous) à KINSHASA

Messieurs,

Par les lettres n° 131/MBL/SCA/BW/010 et 014/SOCAM/PAG/DG/010 datées respectivement du 12 mars et 1 avril 2010 dont photocopie libre en annexe, Maître Jean-Paul BWINO NZOBE et Monsieur MASTAKI KATENGURA me tiennent informé des entraves dont serait victime la



société d'Agriculture et des Mines, **SOCAGRIMINES**, SPRL, de la part des éléments des Forces Armées de la République Démocratique du Congo, s'appuyant sur la lettre n° 00/0098/QG FT/Comdt/010 du 9 février 2010.

Je vous demande, chacun en ce qui le concerne, de mener des investigations pour vérifier les faits.

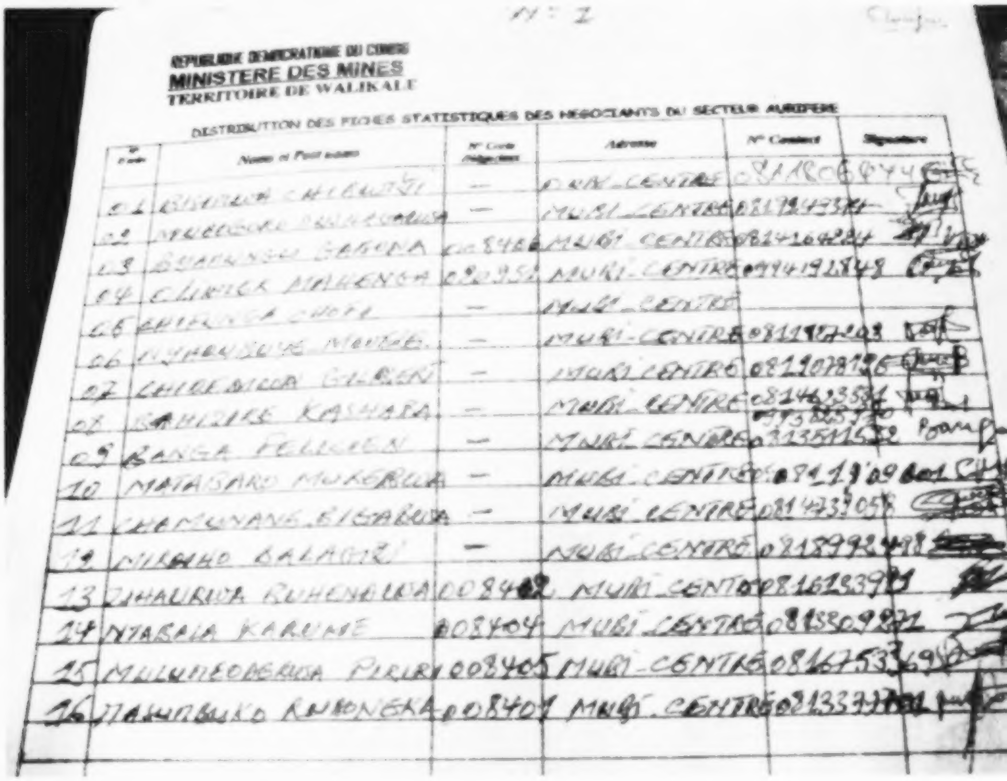
Vous me tiendrez au courant des conclusions.

Veuillez agréer, **Messieurs**, l'expression de mes sentiments patriotiques.

Charles MWANDO ESIMBA

Annex 37

Ministry of Mines list of gold traders in Mubi[a]



N° 1

REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DES MINES
TERRITOIRE DE WALIKALE

DISTRIBUTION DES FICHES STATISTIQUES DES NEGOCIANTS DU SECTEUR AURIFERE

N° d'ordre	Noms et Post noms	N° Carte Négociant	Adresse	N° Contact	Signature
01	BISIMWA CHIRUZI	—	MUBI-CENTRE	0811806744	
02	[illegible]	—	MUBI-CENTRE	0817949374	
03	BYARUNGU BARONA	008466	MUBI-CENTRE	0814164284	
04	CLIMEK MAHENGA	00935[illegible]	MUBI-CENTRE	0994192848	
05	BAHINGA CHOFI	—	MUBI-CENTRE		
06	NYABUNZOYE MOUREE	—	MUBI-CENTRE	0811987203	
07	CHIBEMBWA GILBERT	—	MUBI CENTRE	0819078136	
08	BAHIZIRE KASHARA	—	MUBI CENTRE	0814633581	
09	BANGA FELICIEN	—	MUBI CENTRE	099386570 0823511622	Poam
10	MATABARO MUKEBWA	—	MUBI CENTRE	0841?909	
11	CHAMUNANE BIGABWA	—	MUBI CENTRE	0814733058	
12	MIRARO BALAGIZI	—	MUBI CENTRE	0818992498	
13	ZIHALIRWA RUHENDUWA	008402	MUBI CENTRE	081612339[illegible]	
14	NYABALA KARUME	008404	MUBI CENTRE	0813309822	
15	MULUMEOBERWA PIRIRI	008405	MUBI-CENTRE	0816753369[illegible]	
16	MASUMBUKO RUBONEKA	008407	MUBI CENTRE	08133[illegible]	

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[a] Geminaco has been selling gold from Omate to these individuals.

Annex 38

Press statement of South African-based Dimension Resources upon acquiring an 18 per cent stake in Geminaco in May 2009[a]

Share Purchase and Option Agreement

05 May 2009

Dimension Resources, the natural resources company, announces that it has agreed to expand its portfolio of interests in African mining companies by the acquisition of an 18 per cent. stake in Societe Congo Mining Company Sprl ('Geminaco'), a company which owns exploration rights in the Democratic Republic of Congo, from its controlling shareholder, African Mining Investments Ltd. This is in line with Dimension Resources' existing strategy for expansion.

African Mining Investments Ltd is a newly formed company intended to facilitate this deal, and its share capital will actually be issued between now and completion. There are a number of shareholders, none of whom controls it individually, but as a group it is controlled by the founder directors of Geminaco, Paul Lemmon, J. François Lalonde and Bernard J. Tourillon, who will hold about 75% between them. Their CVs are below.

Dimension Resources will issue 124,339,876 new ordinary shares ('Consideration Shares') as consideration for the stake in Geminaco. The contract is conditional on a fund raising by the Company of £200,000 by 30 May 2009. The Consideration Shares will rank pari passu with the Company's existing ordinary shares and their admission to trading on AIM is expected to take place following completion. The percentage of the Company's total issued share capital represented by the Consideration Shares will be announced on completion.

In addition, Dimension Resources has been granted an option, which is valid for two years from the date of the agreement, over the balance of the issued share capital in Geminaco. The Company will issue a further 342,062,667 new ordinary shares at 0.5p per share on exercise of the option. Should the Company choose to exercise this option, it is likely that this would constitute a reverse transaction under Rule 14 of the AIM Rules for Companies and shareholder approval would be sought.

Geminaco is a gold exploration company, which owns the rights to 6 Exploration permits (Permis des recherces) PR in the Eastern Democratic Republic of Congo. The permits total approximately 235 sq km, ranging in size from 12sq.km.to 108 sq. km. in area and the permits are numbered as follows west to east: PR 8500,PR 7971, PR 7811, R 7587, PR 8501 & PR 7972. The PRs are situated in the territory of Walikale, District of North Kivu, Territory of Punia, District of Maniema, Territory of Banalia, District of Tshopo, Territory of Masisi, District of North Kivu and Territory of Rutshuru, District of North Kivu.

Brian Moritz, Non-executive Chairman of Dimension Resources, said,
'We are delighted to announce this stake in Geminaco, which represents an exciting development in our strategy to invest in complementary mining businesses. We look forward to supporting the Geminaco's further development.'

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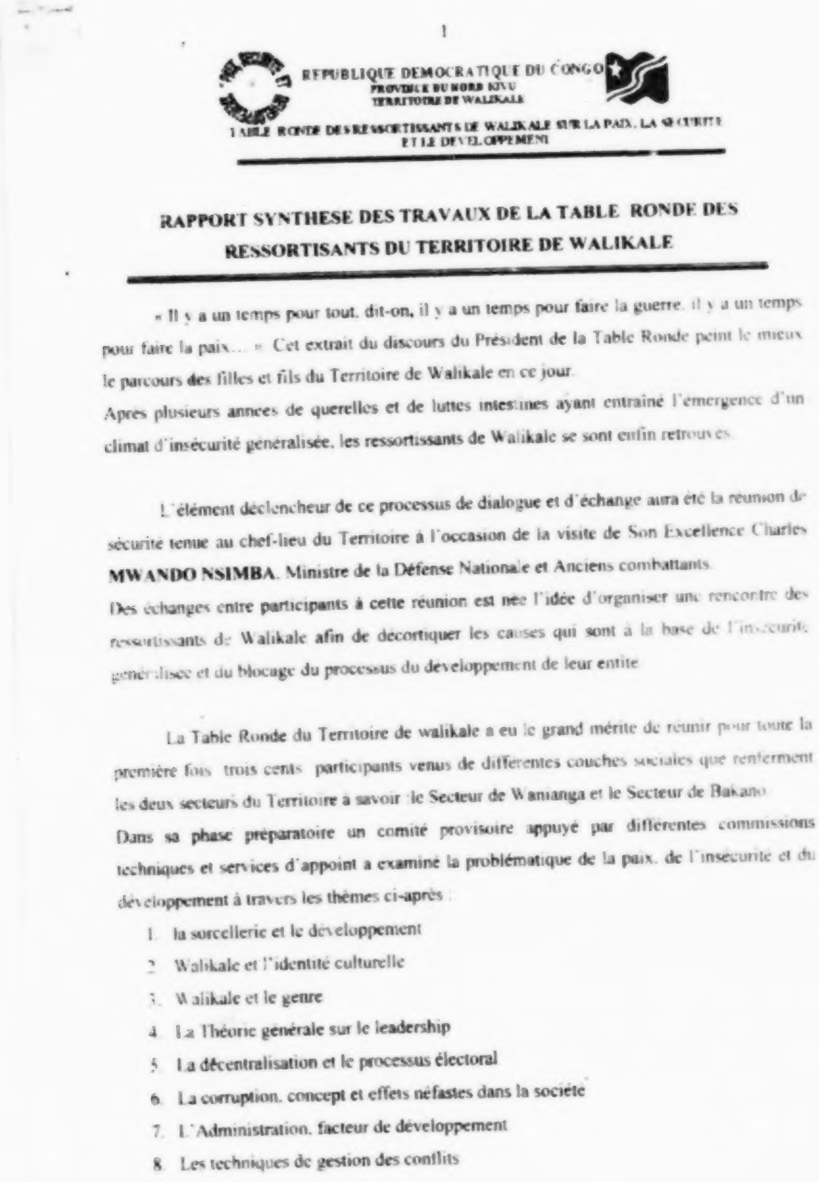
[a] Accessed by the Group on 28 July 2010 at http://www.dimensionresources.biz/publish/display-item.php?newsid=38.

Annex 39

Extracts from the conclusions of a five-day inclusive seminar held in Walikale territory in June 2010 between civil society members, administrative officials and representatives of armed groups



1

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD KIVU
TERRITOIRE DE WALIKALE
TABLE RONDE DES RESSORTISSANTS DE WALIKALE SUR LA PAIX, LA SECURITE
ET LE DEVELOPPEMENT

RAPPORT SYNTHESE DES TRAVAUX DE LA TABLE RONDE DES RESSORTISSANTS DU TERRITOIRE DE WALIKALE

« Il y a un temps pour tout, dit-on, il y a un temps pour faire la guerre, il y a un temps pour faire la paix… » Cet extrait du discours du Président de la Table Ronde peint le mieux le parcours des filles et fils du Territoire de Walikale en ce jour.

Après plusieurs années de querelles et de luttes intestines ayant entraîné l'émergence d'un climat d'insécurité généralisée, les ressortissants de Walikale se sont enfin retrouvés.

L'élément déclencheur de ce processus de dialogue et d'échange aura été la réunion de sécurité tenue au chef-lieu du Territoire à l'occasion de la visite de Son Excellence Charles **MWANDO NSIMBA**, Ministre de la Défense Nationale et Anciens combattants.

Des échanges entre participants à cette réunion est née l'idée d'organiser une rencontre des ressortissants de Walikale afin de décortiquer les causes qui sont à la base de l'insécurité généralisée et du blocage du processus du développement de leur entité.

La Table Ronde du Territoire de walikale a eu le grand mérite de réunir pour toute la première fois trois cents participants venus de différentes couches sociales que renferment les deux secteurs du Territoire à savoir :le Secteur de Wanianga et le Secteur de Bakano.

Dans sa phase préparatoire un comité provisoire appuyé par différentes commissions techniques et services d'appoint a examiné la problématique de la paix, de l'insécurité et du développement à travers les thèmes ci-après :

1. la sorcellerie et le développement
2. Walikale et l'identité culturelle
3. Walikale et le genre
4. La Théorie générale sur le leadership
5. La décentralisation et le processus électoral
6. La corruption, concept et effets néfastes dans la société
7. L'Administration, facteur de développement
8. Les techniques de gestion des conflits

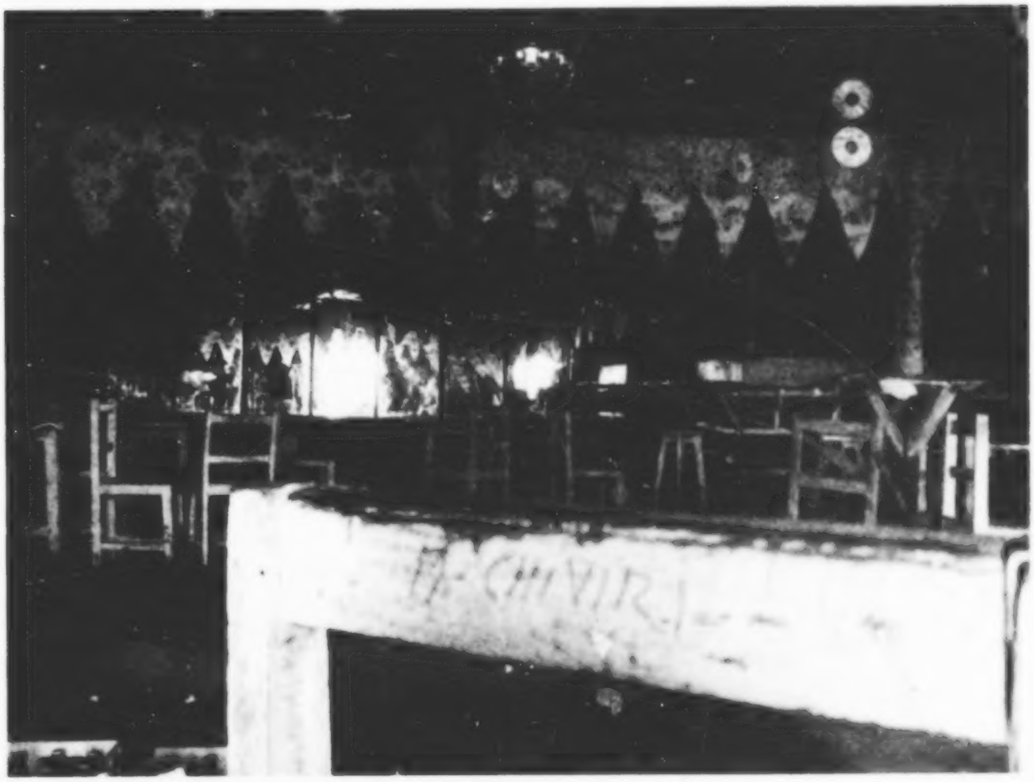
- Que le Gouvernement congolais éradique le mouvement FDLR au lieu d'accuser les groupes armés ;
- Que la traque des FDLR commence à partir de la rivière Osso pour évoluer vers le Rwanda ;
- Que les FARDC intensifient les opérations contre les FDLR au lieu de s'adonner aux activités économiques en territoire de Walikale ;
- Que l'autorité procède à la démilitarisation de tous les carrés miniers et y installe plutôt la police ;
- Que le gouvernement procède au cantonnement et assure la prise en charge des groupes armés avant leur intégration et/ou démobilisation ;
- Que le gouvernement ne procède au rapatriement des congolais vivant encore à l'étranger que dans leur seul milieu d'origine ;
- Que le gouvernement déploie de nouvelles unités en provenance d'autres provinces en vue de parfaire l'action de pacification prônée par le chef de l'Etat en lieu et place des troupes opérant actuellement au sein du territoire ;

3. A LA COMMUNAUTÉ LOCALE

- Que la communauté forme une commission crédible constituée des membres des groupements, des localités et des familles respectives des acteurs organisant les groupes armés,et prennent soins d' y associer les autorités politico administratives et la MONUC ;
- Qu'un dialogue soit initié entre la population et les groupes armés locaux par la Commission précitée ;
- A la requête des vieux sages, que les groupes armés quittent la forêt et intègrent les FARDC, sinon tout Walikale appuyé par le gouvernement se déversera dans la forêt en raison du patriotisme pour recouvrer la paix et la sécurité ;
- Q'un cessez le feu soit observé entre toutes les parties belligérantes sur toute l'étendue du territoire ;
- Q'une campagne de ramassage d'armes de guerre soit initiée

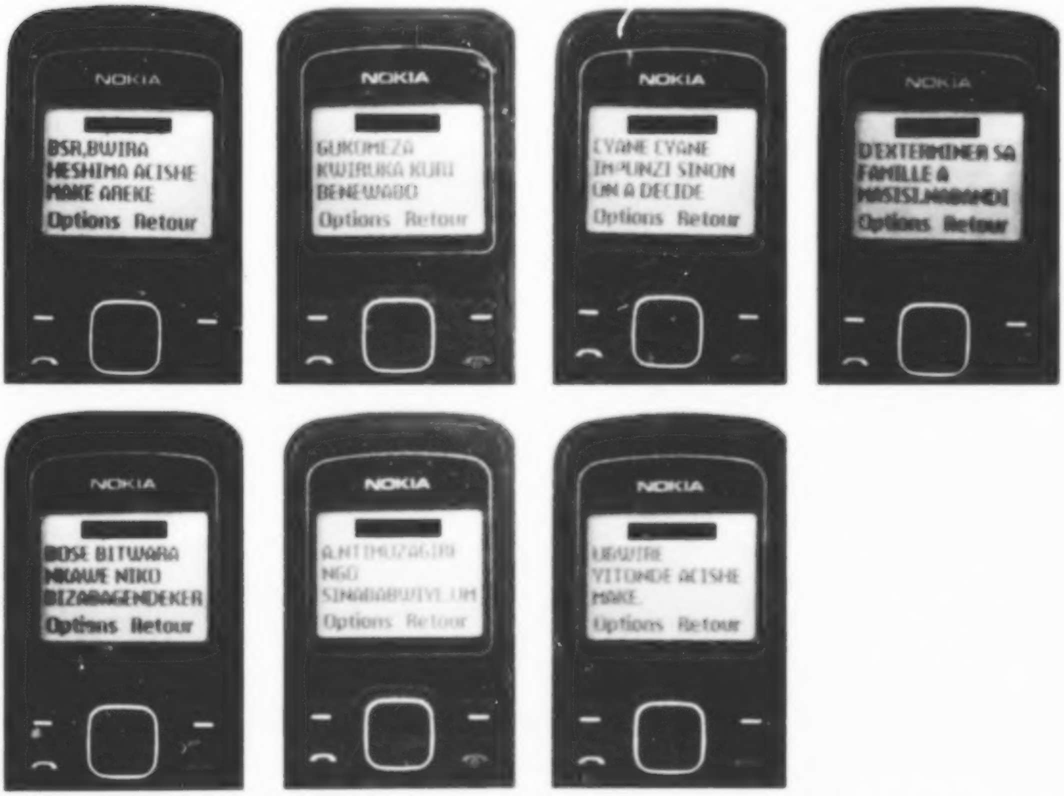
Annex 40

Colonel Chiviri's "Prince de Zamunda" bar, in Kamituga, where he is alleged to purchase gold and ore (the chairs are labelled in his name)



Annex 41

Text message from FDLR commander to Colonel Heshima threatening to kill his family if he goes too quickly in operations against them



[redacted]
BSR,BWIRA
HESHIMA ACISHE
MAKE AREKE
Options Retour

[redacted]
GUKOMEZA
KWIRUKA KURI
BENEWABO
Options Retour

[redacted]
CYANE CYANE
IMPUNZI SINON
UM A DECIDE
Options Retour

[redacted]
D'EXTERMINER SA
FAMILLE A
MASISI.MABANDI
Options Retour

[redacted]
BOSE BITWARA
NKAWE NIKO
BIZABAGENDEKER
Options Retour

[redacted]
A.NTIMUZAGIRE
NGO
SINABABWIYE.UM
Options Retour

[redacted]
UBWIRE
YITONDE ACISHE
MAKE.
Options Retour

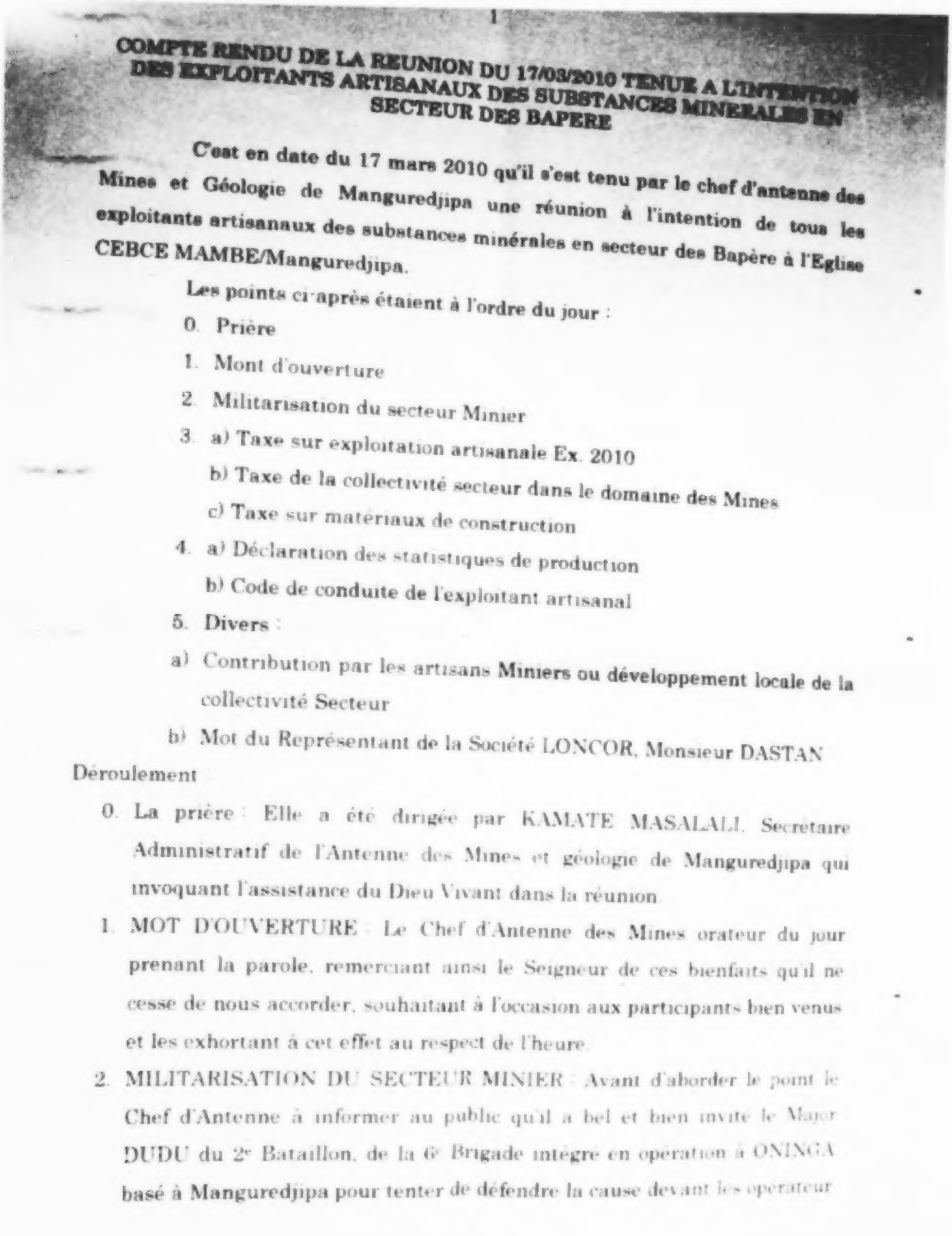
Translation: "Ask Heshima to calm down and not pursue his brothers, notably the refugees. If not, we will exterminate his family in Masisi. All who behave in the same way will run the same risk. Do not say that I did not warn you. Tell him to calm down and to behave himself."

Annex 42

Samples of copper stockpiled by the 4th Division Commander, Colonel Bernard Byamungu

Annex 43

Official notes from a meeting between civil society, mining authorities and FARDC officers in Manguredjipa, Lubero territory, on 17 March 2010



1

COMPTE RENDU DE LA REUNION DU 17/03/2010 TENUE A L'INTENTION DES EXPLOITANTS ARTISANAUX DES SUBSTANCES MINERALES EN SECTEUR DES BAPERE

C'est en date du 17 mars 2010 qu'il s'est tenu par le chef d'antenne des Mines et Géologie de Manguredjipa une réunion à l'intention de tous les exploitants artisanaux des substances minérales en secteur des Bapère à l'Eglise CEBCE MAMBE/Manguredjipa.

Les points ci-après étaient à l'ordre du jour :

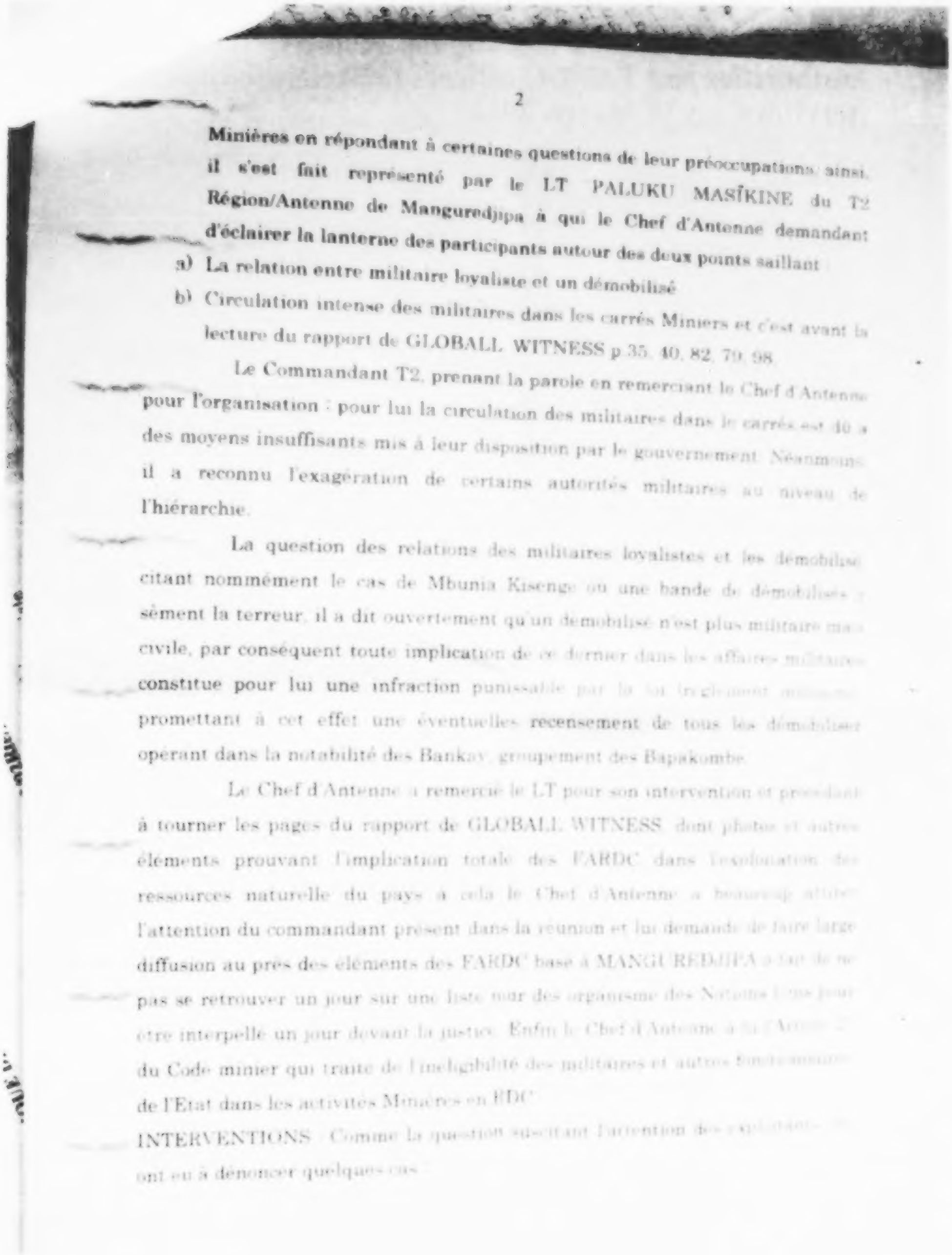
0. Prière
1. Mont d'ouverture
2. Militarisation du secteur Minier
3. a) Taxe sur exploitation artisanale Ex. 2010
   b) Taxe de la collectivité secteur dans le domaine des Mines
   c) Taxe sur matériaux de construction
4. a) Déclaration des statistiques de production
   b) Code de conduite de l'exploitant artisanal
5. Divers :

a) Contribution par les artisans **Miniers ou développement locale de la** collectivité Secteur

b) Mot du Représentant de la Société LONCOR, Monsieur DASTAN

Déroulement

0. **La prière** : Elle a été dirigée par KAMATE MASALALI, Secrétaire Administratif de l'Antenne des Mines et géologie de Manguredjipa qui invoquant l'assistance du Dieu Vivant dans la réunion.
1. MOT D'OUVERTURE : Le Chef d'Antenne des Mines orateur du jour prenant la parole, remerciant ainsi le Seigneur de ces bienfaits qu'il ne cesse de nous accorder, souhaitant à l'occasion aux participants bien venus et les exhortant à cet effet au respect de l'heure.
2. MILITARISATION DU SECTEUR MINIER : Avant d'aborder le point le Chef d'Antenne à informer au public qu'il a bel et bien invité le Major DUDU du 2e Bataillon, de la 6e Brigade intégré en opération à ONINGA basé à Manguredjipa pour tenter de défendre la cause devant les operateur



Minières en répondant à certaines questions de leur préoccupations ainsi, il s'est fait représenté par le LT PALUKU MASÎKINE du T2 Région/Antenne de Manguredjipa à qui le Chef d'Antenne demandant d'éclairer la lanterne des participants autour des deux points saillant :

a) **La relation entre militaire loyaliste et un démobilisé**

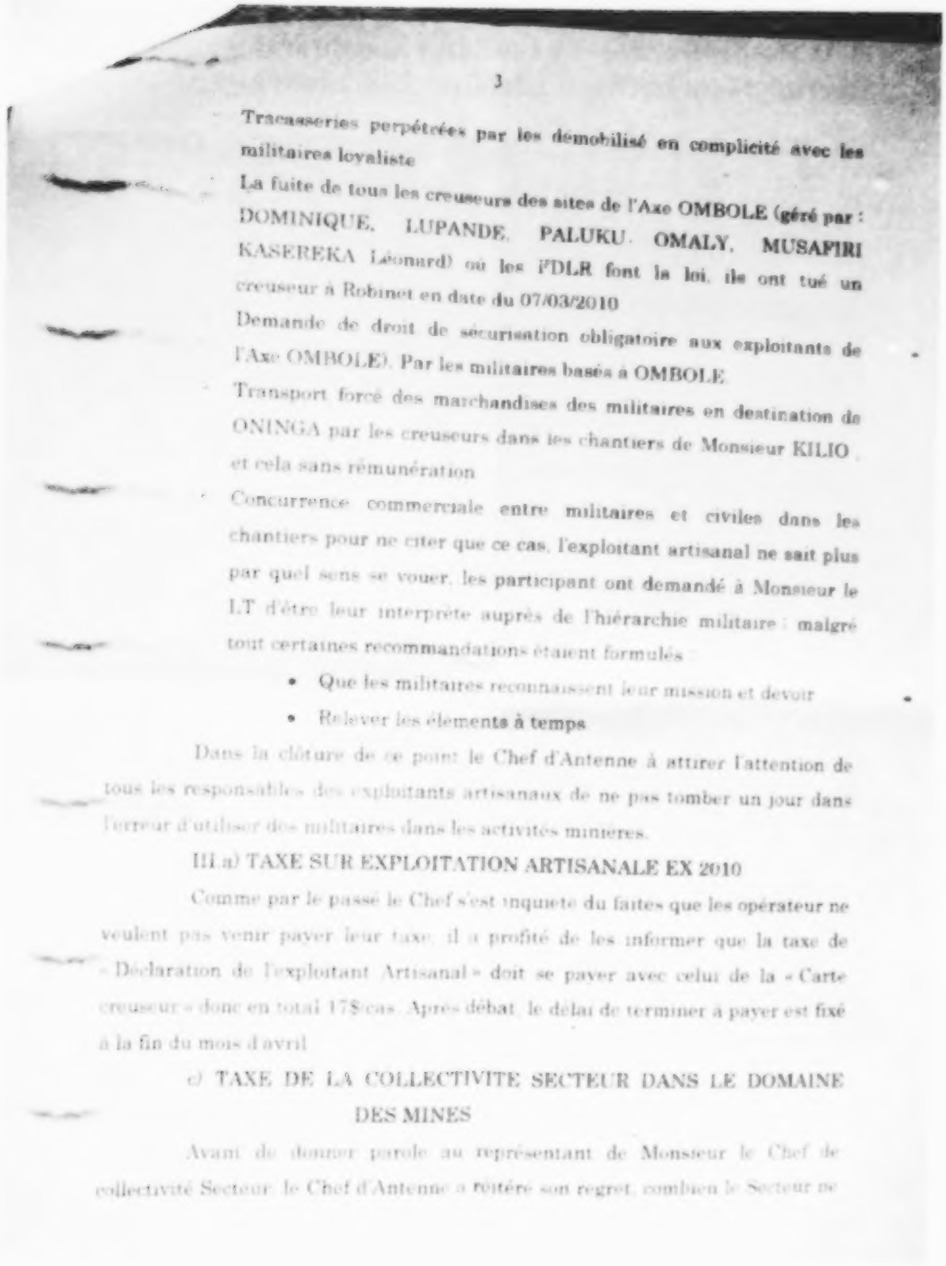
b) Circulation intense des militaires dans les carrés Miniers et c'est avant la lecture du rapport de GLOBALL WITNESS p 35, 40, 82, 79, 98.

Le Commandant T2, prenant la parole en remerciant le Chef d'Antenne pour l'organisation : pour lui la circulation des militaires dans le carrés est dû à des moyens insuffisants mis à leur disposition par le gouvernement. Néanmoins il a reconnu l'exagération de certains autorités militaires au niveau de l'hiérarchie.

La question des relations des militaires loyalistes et les démobilisé citant nommément le cas de Mbunia Kisenge ou une bande de démobilisés y sèment la terreur, il a dit ouvertement qu'un démobilisé n'est plus militaire mais civile, par conséquent toute implication de ce dernier dans les affaires militaires constitue pour lui une infraction punissable par la loi [illegible] promettant à cet effet une éventuelles recensement de tous les démobiliser opérant dans la notabilité des Bankay, groupement des Bapakombe.

Le Chef d'Antenne a remercié le LT pour son intervention et procédant à tourner les pages du rapport de GLOBALL WITNESS, dont photos et autres éléments prouvant l'implication totale des FARDC dans l'exploitation des ressources naturelle du pays à cela le Chef d'Antenne a beaucoup attiré l'attention du commandant présent dans la réunion et lui demande de faire large diffusion au près des éléments des FARDC basé à MANGUREDJIPA afin de ne pas se retrouver un jour sur une liste noir des organisme des Nations Unis pour être interpellé un jour devant la justice. Enfin le Chef d'Antenne a lu l'Article [illegible] du Code minier qui traite de l'inéligibilité des militaires et autres fonctionnaires de l'Etat dans les activités Minières en RDC.

INTERVENTIONS : Comme la question suscitant l'attention des exploitants [illegible] ont eu à dénoncer quelques cas :



3

- Tracasseries perpétrées par les demobilisé en complicité avec les militaires loyaliste
- La fuite de tous les creuseurs des sites de l'Axe OMBOLE (géré par : DOMINIQUE, LUPANDE, PALUKU, OMALY, MUSAFIRI KASEREKA Léonard) où les FDLR font la loi, ils ont tué un creuseur à Robinet en date du 07/03/2010
- Demande de droit de sécurisation obligatoire aux exploitants de l'Axe OMBOLE). Par les militaires basés à OMBOLE
- Transport forcé des marchandises des militaires en destination de ONINGA par les creuseurs dans les chantiers de Monsieur KILIO , et cela sans rémunération
- Concurrence commerciale entre militaires et civiles dans les chantiers pour ne citer que ce cas, l'exploitant artisanal ne sait plus par quel sens se vouer, les participant ont demandé à Monsieur le LT d'être leur interprète auprès de l'hiérarchie militaire ; malgré tout certaines recommandations étaient formulés :
  - Que les militaires reconnaissent leur mission et devoir
  - Relever les éléments à temps

Dans la clôture de ce point le Chef d'Antenne à attirer l'attention de tous les responsables des exploitants artisanaux de ne pas tomber un jour dans l'erreur d'utiliser des militaires dans les activités minières.

III.a) TAXE SUR EXPLOITATION ARTISANALE EX 2010

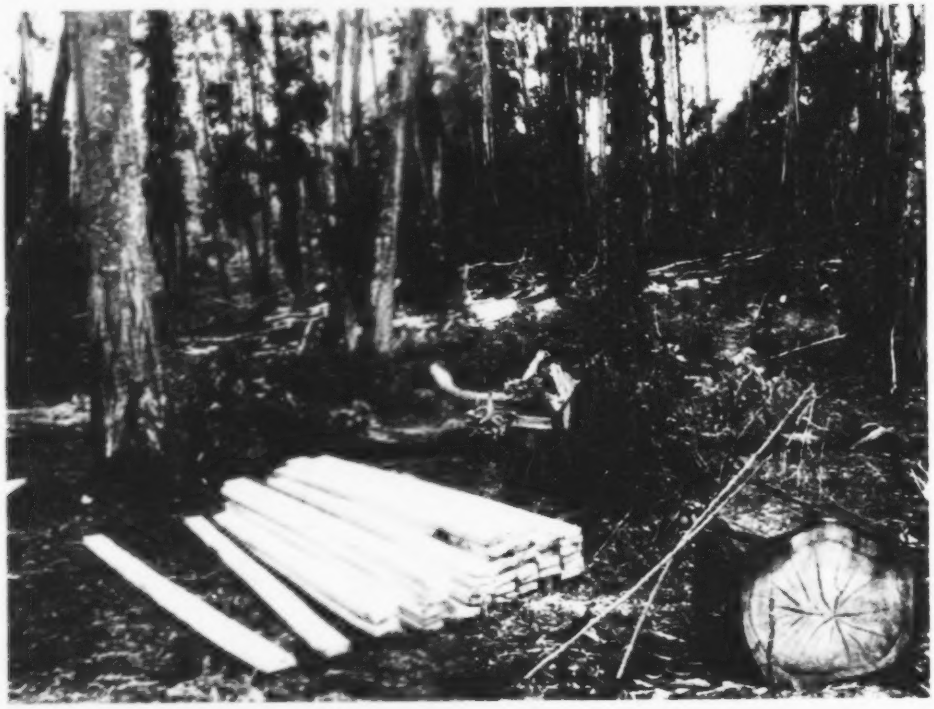
Comme par le passé le Chef s'est inquiete du faites que les opérateur ne veulent pas venir payer leur taxe, il a profité de les informer que la taxe de « Déclaration de l'exploitant Artisanal » doit se payer avec celui de la « Carte creuseur » donc en total 17$/cas. Après débat, le délai de terminer à payer est fixé à la fin du mois d'avril

c) TAXE DE LA COLLECTIVITE SECTEUR DANS LE DOMAINE DES MINES

Avant de donner parole au représentant de Monsieur le Chef de collectivité Secteur, le Chef d'Antenne a réitéré son regret, combien le Secteur ne

Annex 44

Timber production by the 22nd Sector at the "Madame Merlo" farm between Kiroliwe and Kitchanga



Annex 45

Trucks belonging to Major Eustache between Bibwe and Nyange in Masisi territory

Annex 46

Letter from Colonel Sadam requesting tax exemption for his timber trucks

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD KIVU
TERRITOIRE DE MASISI
CHEFFERIE DE BASHALI

Objet : Demande de laissez-passer pour mon véhicule

Au Chef Coutumier de la Chefferie de BASHALI

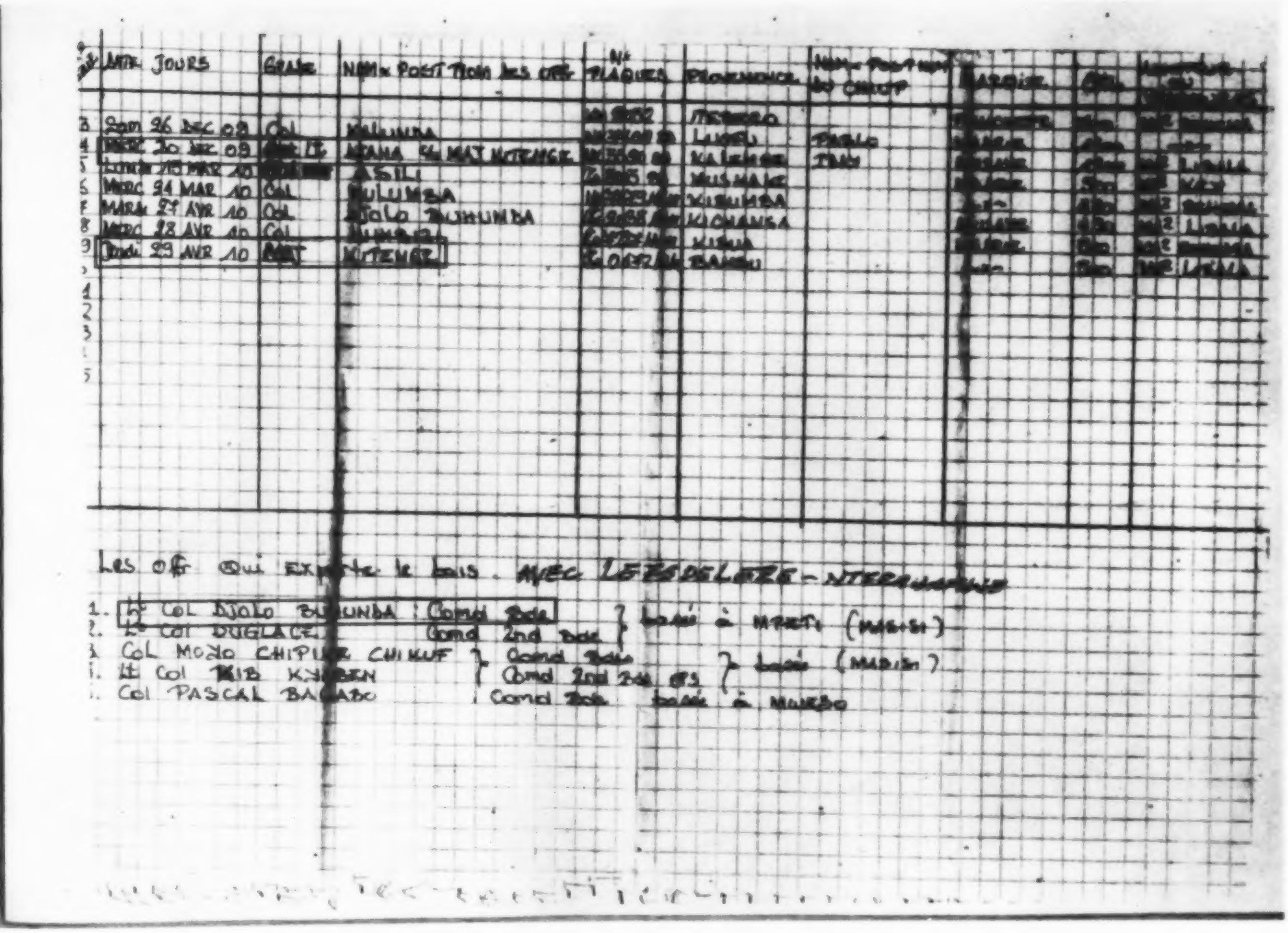
Ce que je te demande, c'est de laisser d'abord libre ce véhicule entre les mains du Chauffeur ASSUMA, de marque FUSO, numéro de plaque 6162 AAB par rapport aux taxes, impôts et autres frais de transport et de pillage route y afférents, parce que ce véhicule m'appartient.

Fait à Goma, le 30 juillet 2010

Col. SADAM EDMOND RYNGO
Commandant 322 LAE INF

Annex 47

List of FARDC officers exporting timber or recognized as particularly active in the timber trade according to a mixed committee of MONUSCO and the Government of the Democratic Republic of the Congo



N°	DATE JOURS	GRADE	NOM & POST NOM DES OFF	N° PLAQUES	PROVENANCE	NOM & POST NOM DU CHAUFFEUR	MARQUE	[illegible]	[illegible]
				[illegible]	[illegible]		[illegible]	[illegible]	[illegible]
3	Sam 26 DEC 09	Col	[illegible]	[illegible]	LUKELI		[illegible]	[illegible]	[illegible]
4	[illegible] 30 DEC 09	[illegible]	[illegible] MAJ KITENGE	[illegible]	KALEHE	PABLO IBAN	[illegible]	[illegible]	[illegible]
5	LUNDI 15 MAR 10	[illegible]	ASILI	[illegible]	MUSHAKE		[illegible]	[illegible]	[illegible]
6	MERC 24 MAR 10	Col	BULUMBA	[illegible]	KISHUMBA		[illegible]	[illegible]	[illegible]
7	MARDI 27 AVR 10	Col	DJOLO BUHUNDA	[illegible]	KICHANGA		[illegible]	[illegible]	[illegible]
8	MERC 28 AVR 10	Col	[illegible]	[illegible]	KISHA		[illegible]	[illegible]	[illegible]
9	Jeudi 29 AVR 10	MAJ	KITENGE	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]

Les off qui exporte le bois . AVEC [illegible]

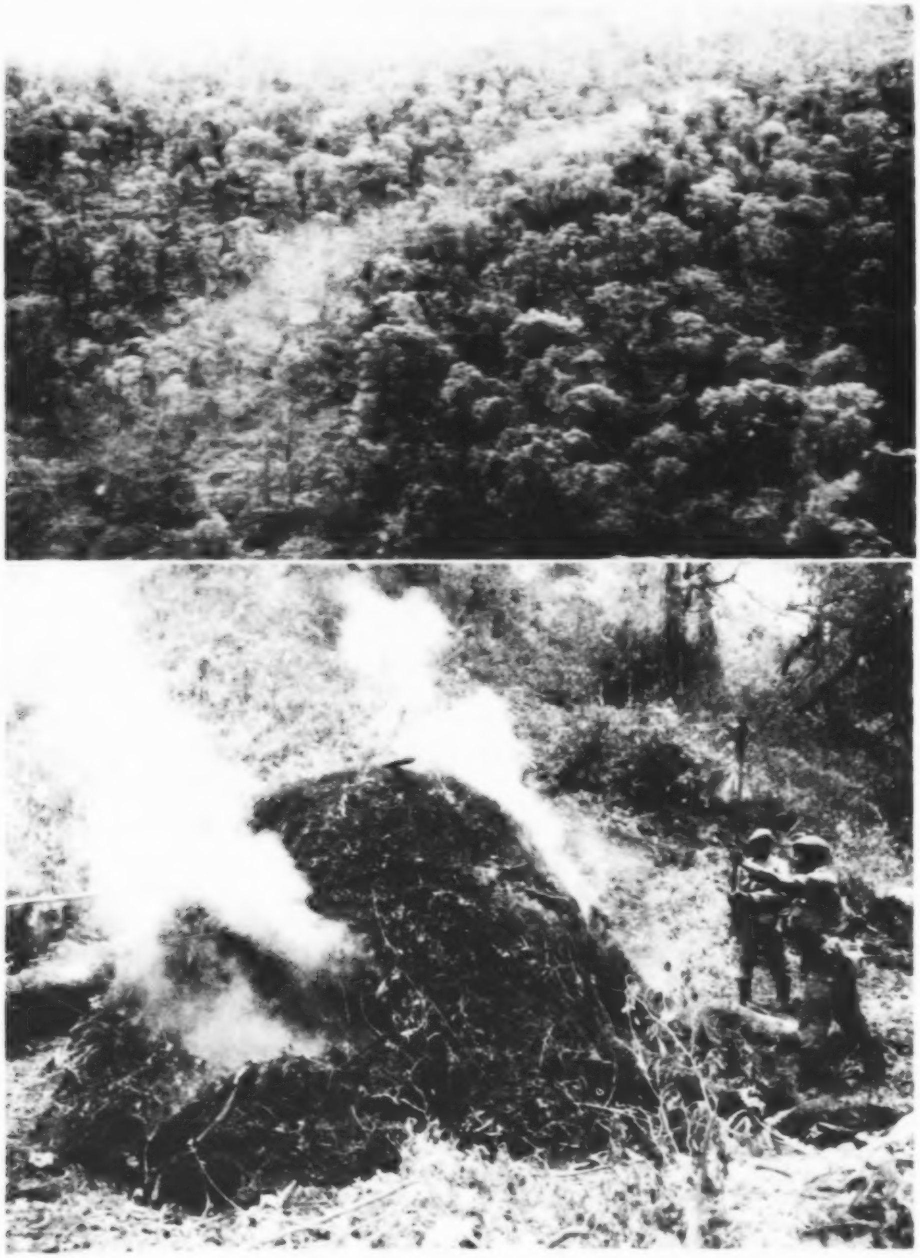
1. Lt Col DJOLO BUHUNDA : Comd Bde } basé à MPETI (MASISI)
2. Lt Col DUGLACE Comd 2nd Bde }
3. Col MOZO CHIPILE CHIKUF } Comd Bde } basé (MASISI)
4. Lt Col KIB KYABIN } Comd 2nd Bde [illegible] }
5. Col PASCAL BAGABO Comd Bde basé à MWEBO

Annex 48

Example of a Fuso truck carrying between 150 and 170 sacks (35 kg) of charcoal from Rutshuru territory

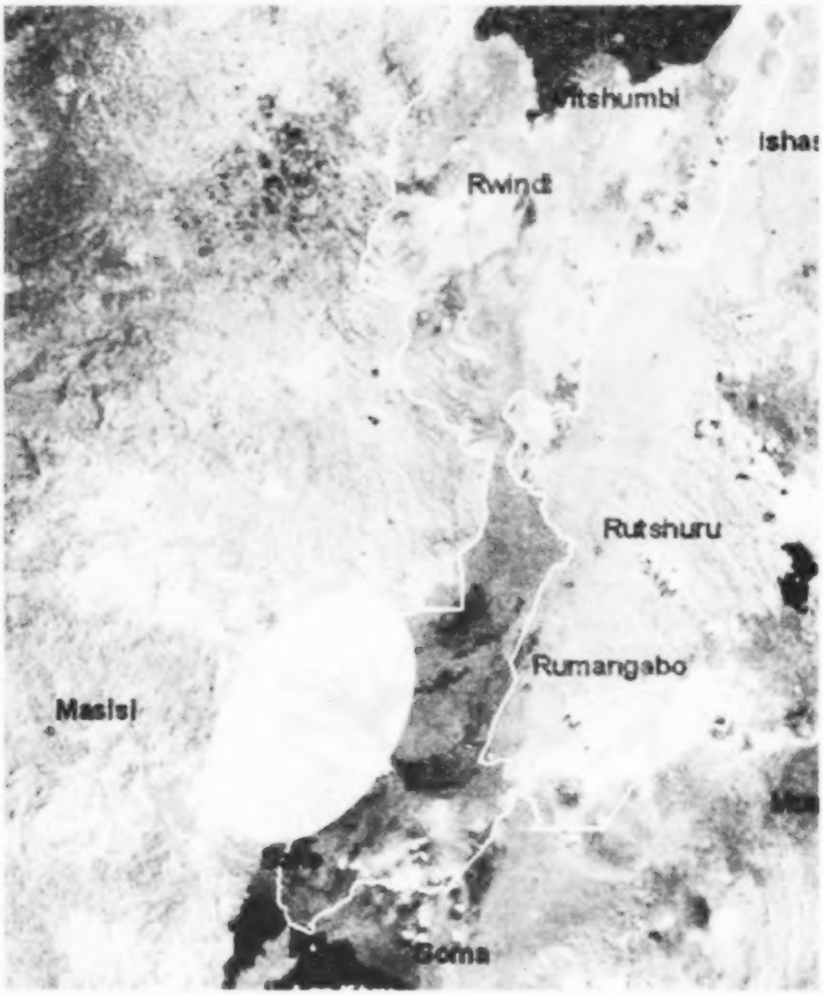
Annex 49

Charcoal kilns in the southern sector of Virunga National Park



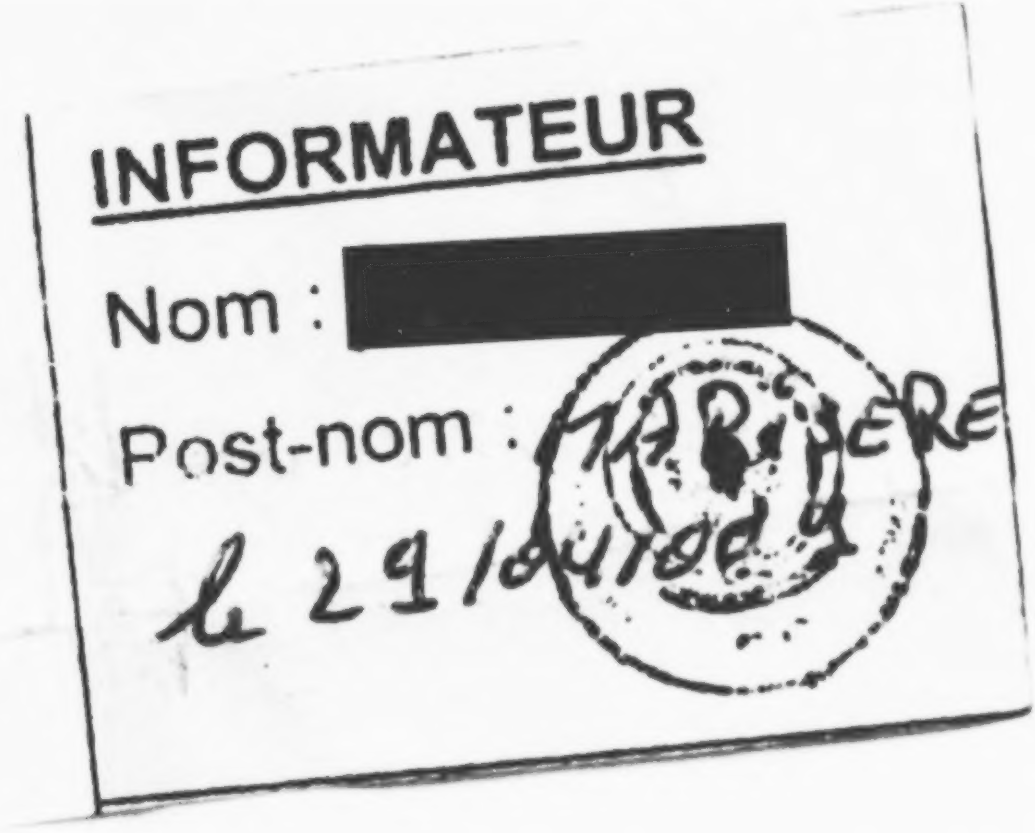
Annex 50

Estimated 1,000 square kilometres controlled by former CNDP elements of FARDC within the western sector of Virunga National Park; aerial and ground photos attest to claims of the arrival of cattle to graze in the park


Vitshumbi
Ishas
Rwindi
Rutshuru
Rumangabo
Masisi
Goma

Annex 51

An example of "informant" cards distributed by FARDC officers for charcoal traders and producers wishing to enter the park



INFORMATEUR

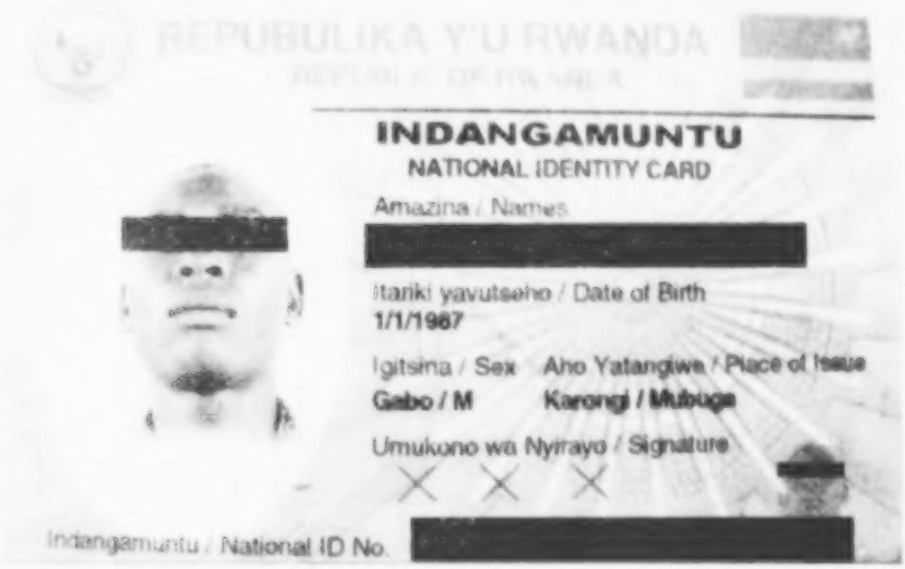
Nom : [redacted]

Post-nom : MABISERE

le 29/04/09

Annex 52

Examples of identification cards of Rwandan nationals arrested by ICCN for participation in the illegal charcoal trade within Viruaga National Park



REPUBULIKA Y'U RWANDA
REPUBLIC OF RWANDA

INDANGAMUNTU
NATIONAL IDENTITY CARD

[redacted]

Amazina / Names
[redacted]

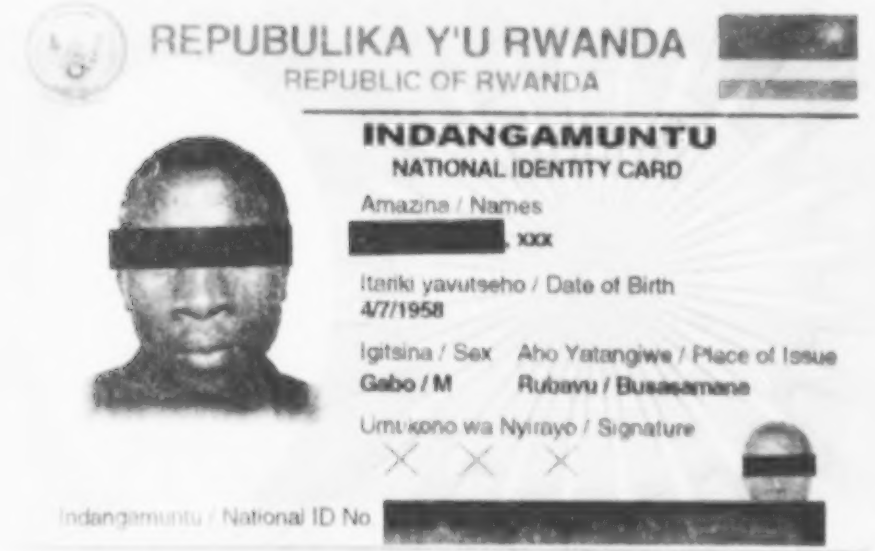
Itariki yavutseho / Date of Birth
1/1/1987

Igitsina / Sex **Gabo / M**
Aho Yatangiwe / Place of Issue **Karongi / Mubuga**

Umukono wa Nyirayo / Signature
X X X

[redacted]

Indangamuntu / National ID No. [redacted]



REPUBULIKA Y'U RWANDA
REPUBLIC OF RWANDA

INDANGAMUNTU
NATIONAL IDENTITY CARD

[redacted]

Amazina / Names
[redacted], xxx

Itariki yavutseho / Date of Birth
4/7/1958

Igitsina / Sex **Gabo / M**
Aho Yatangiwe / Place of Issue **Rubavu / Busasamana**

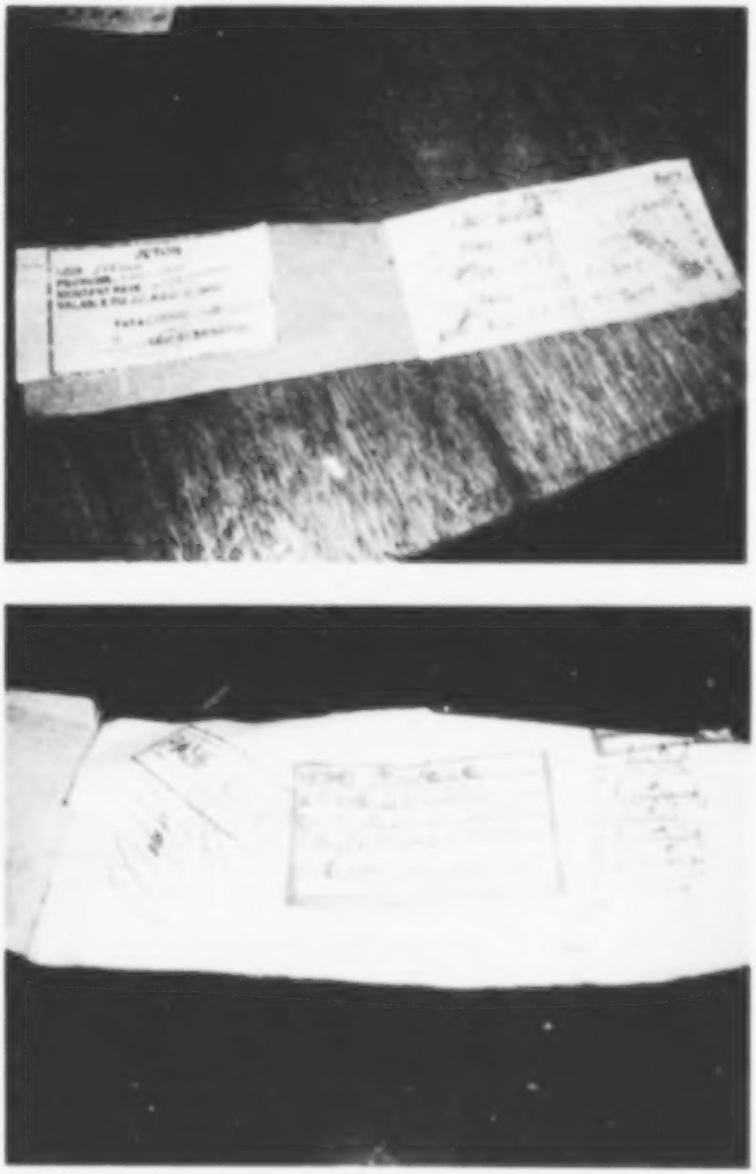
Umukono wa Nyirayo / Signature
X X X

[redacted]

Indangamuntu / National ID No [redacted]

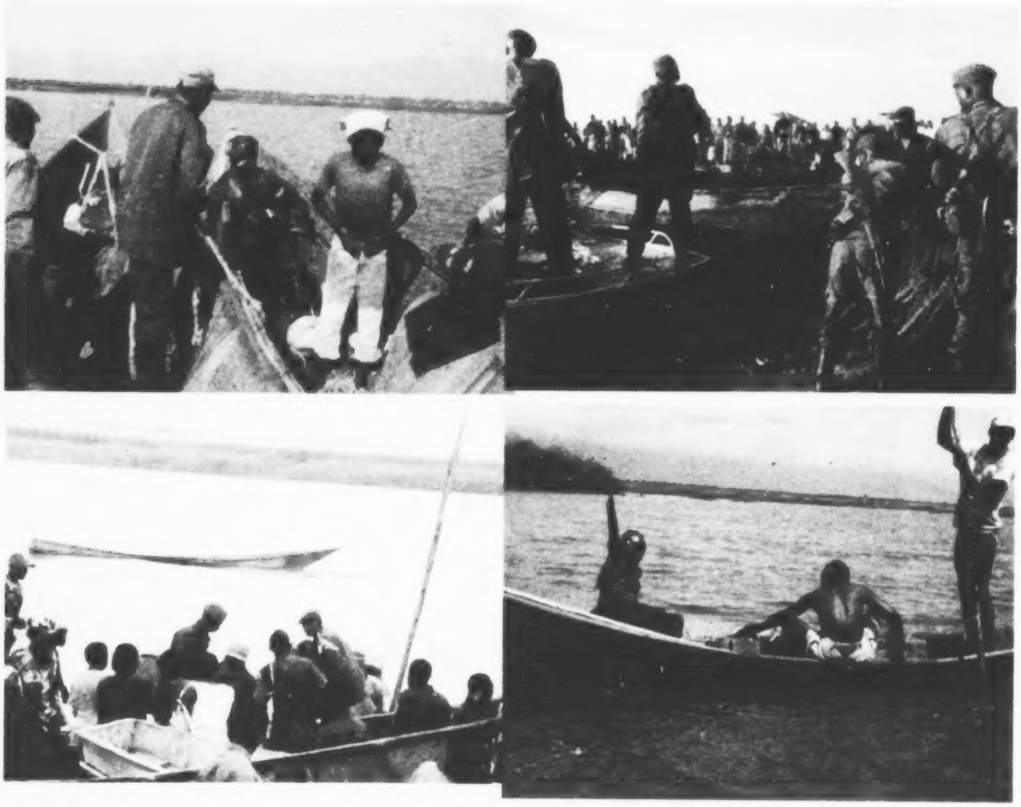
Annex 53

Examples of weekly registry of taxes paid to FARDC by a fisherman near Vitshumbi



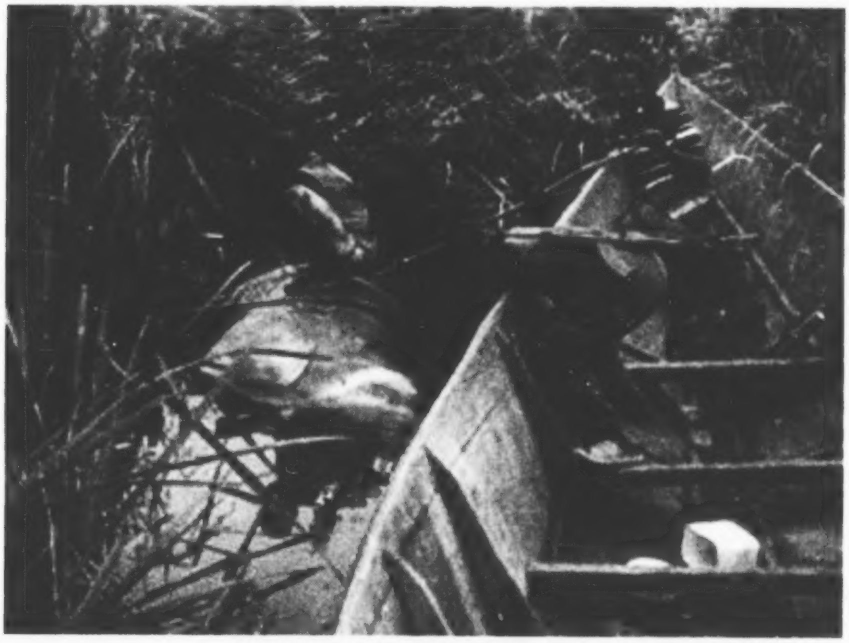
Annex 54

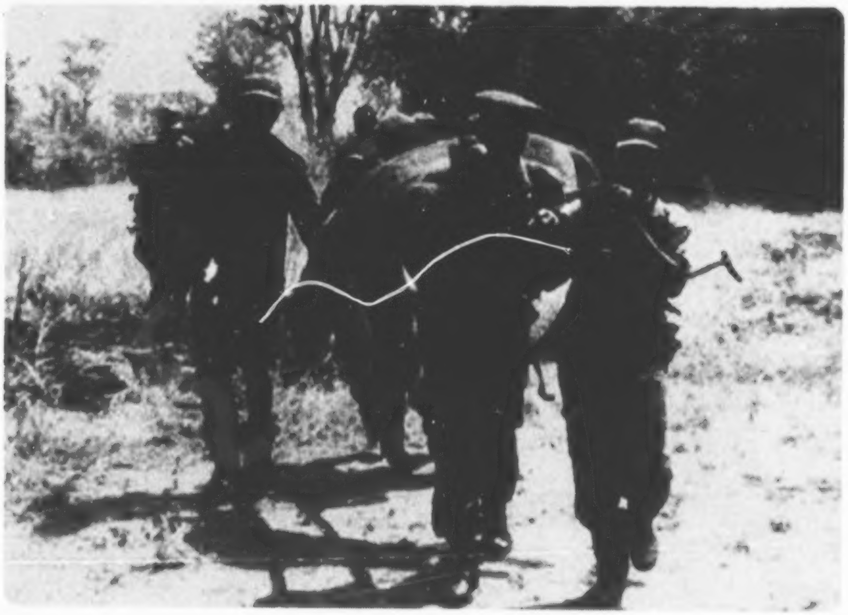
Soldiers of the 131st brigade controlling access of fishermen to Lake Edward and participating in illegal fishing themselves



Annex 55

Examples of FARDC involvement in poaching within Virunga National Park





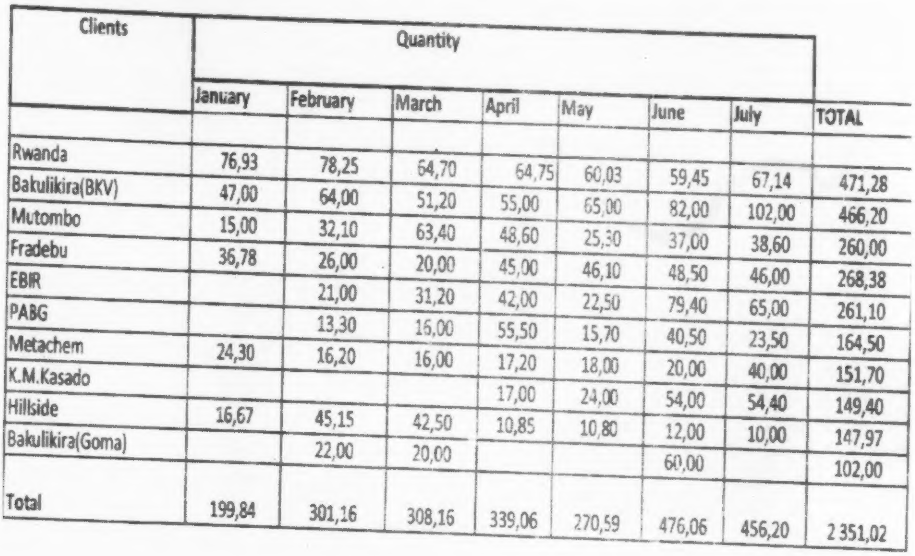
Annex 56

Dry acid poisons planted by elephant poachers, often with the protection of criminal networks within FARDC

Annex 57

Statistics on minerals exported from the Democratic Republic of the Congo to Rwanda

1. Minerals Supply Africa report of monthly imports to Rwanda from *comptoirs* in the Democratic Republic of the Congo, January to July 2010



Clients	Quantity							
	January	February	March	April	May	June	July	TOTAL
Rwanda	76,93	78,25	64,70	64,75	60,03	59,45	67,14	471,28
Bakulikira(BKV)	47,00	64,00	51,20	55,00	65,00	82,00	102,00	466,20
Mutombo	15,00	32,10	63,40	48,60	25,30	37,00	38,60	260,00
Fradebu	36,78	26,00	20,00	45,00	46,10	48,50	46,00	268,38
EBIR		21,00	31,20	42,00	22,50	79,40	65,00	261,10
PABG		13,30	16,00	55,50	15,70	40,50	23,50	164,50
Metachem	24,30	16,20	16,00	17,20	18,00	20,00	40,00	151,70
K.M.Kasado				17,00	24,00	54,00	54,40	149,40
Hillside	16,67	45,15	42,50	10,85	10,80	12,00	10,00	147,97
Bakulikira(Goma)		22,00	20,00			60,00		102,00
Total	199,84	301,16	308,16	339,06	270,59	476,06	456,20	2 351,02

2. Rwandan customs statistics for mineral exports, January to July 2010

EXPORTERS OF MINERALS

PERIOD : JANUARY TO JULY 2010

N°	NAMES OF EXPORTERS	NET WEIGHT	FOB
01	AFRICA GENERAL TRADING"AGT" S.A.R.L	352	1,099,828
02	AFRICA PRIMARY TUNGSTEN SARL	471,746	2,242,923,540
03	CENTRALE MULTI SERVICES (CMS) SARL	41,125	166,629,075
04	DAMIEN MUNYARUGERERO	50,000	231,767,660
05	EPROCOMI S.A.R.L	6,341	59,184,070
06	EUROTRADE INTERNATIONAL SARL	69,748	395,853,720
07	FECOMIRWA	136,723	827,270,865
08	FOFANA YAYA	480	411,450
09	GLOBAL MINING AND PROCESSING SARL	143,517	1,721,573,747
10	ISIDORE KAZENGA	62	172,608
11	MET TRADE OVERSEAS SARL	13,834	72,685,872
12	METAL PROCESSING ASSOCIATION	186,681	592,342,246
13	METALS TRADING COMPANY LTD	258,533	1,737,355,015
14	MINERALS SUPPLY AFRICA LTD	628,055	3,625,215,951
15	MINING RESEARCH EXPORT COMPANY LTD	70	120,315
16	NEW BUGARAMA MINING COMPANY LTD	48,402	191,585,944
17	NRD RWANDA LTD	81,384	520,826,281
18	PHOENIX METAL SARL	177,127	1,098,195,041
19	RUTONGO MINES LTD	349,952	2,292,465,536
20	RWANDA RUDNIKI SARL	88,099	819,325,237
21	TRADING SERVICES LOGISTICS	21,293	119,062,128
22	UWAMAHORO KARAGIRE	5	286,591
23	VALENCE KALINDA	125,000	779,050,482
24	WOLFRAM MINING & PROCESSING LTD	101,885	504,945,007
TOTAL		**3,000,414**	**18,000,348,210**

3. Rwandan customs statistics for minerals imported from the Democratic Republic of the Congo and re-exported, January to July 2010

REEXPORTERS OF MINERALS

PERIOD : JANUARY TO JULY 2010

N°	NAMES OF EXPORTERS	NET WEIGHT	FOB
01	AFRICA PRIMARY TUNGSTEN SARL	10,095	42,133,247
02	MINERALS SUPPLY AFRICA LTD	1,945,683	10,320,859,185
03	TRADING SERVICES LOGISTICS	20,212	117,511,564
TOTAL		**1,975,990**	**10,480,503,995**

Annex 58

Due diligence documentation required by Congolese law

The Mining Code (2002) allows only registered buying houses (Fr: *comptoirs*) to export minerals. Registered comptoirs must pay annual fees to the Division des Mines, file a monthly report with the Division des Mines, allow its activities and exports to be monitored by the Division des Mines, and have bank accounts into which the proceeds from the sale of minerals are paid.

Each *comptoir* is required to maintain detailed and accurate records of purchases, including the details of the negociants who supply the *comptoir* with minerals, their work permits and location, together with the *comptoir*'s production and the minerals it has in stock.

When a *comptoir* export minerals, the drumming of the minerals is required to take place in the presence of different government services. The export is sampled, and taxes paid according to the results of the sample.

In order legally addition to export minerals, a *comptoir* must have:

- an export licence from the *Banque Centrale du Congo* (BCC), showing a description of the minerals, the name of the foreign buyer and the amount of the purchase price to be repatriated to the DRC;
- a certificate of assay, issued by the *Centre d'Evaluation, Expertise et Controle* (CEEC), based on a sample taken by officials when the product is drummed;
- a *Procès Verbal d'Enfûtage*, issued by various government services;
- a certificate of origin and export, issued by the CEEC;
- an authorisation of mineral export, from the *Division des Mines*;
- a certificate of verification of export, issued by the Office Congolais de Contrôle (OCC);
- a certificate of assay, issued by the OCC;
- a declaration of final export from the *Office des Douanes et Accises* (OFIDA);
- a movement certificate from OFIDA, listing the name of the exporter.

All négociants (minerals buyers who supply comptoirs) require a "*carte de négociant*," which must be renewed on an annual basis. The card gives the identity and location of each *négociant*.

Artisanal diggers (Fr: *creuseurs*) are required to be Congolese nationals, and to possess a *carte de creuseur*. They are only entitled to sell their production to *négociants*.

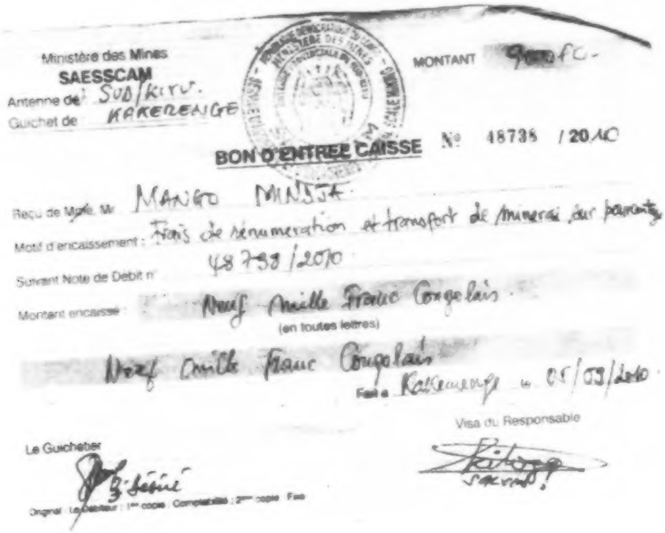
Government authorities issue a certificate called a *Certificat de Déclaration d'Origine* for minerals, usually to *creuseurs*, as close as possible to the minerals' sites of origin. The certificate lists the name of the owner of the product (in most instances a "digger" or *creuseur*), the quality of the ore, the name of the mine, and if possible the number of the individual's *carte de creuseur*. This certificate then accompanies the bags of minerals which are transported to the *négociant*.

Once the minerals are in the possession of the *négociant*, an *Autorisation de Transport des Minérais* is issued by the Division of Mines. The certificate lists the owner, references the taxes paid in connection with the product, and states where the minerals are going so that ore can be traced to its point of origin. This system has been in place in Bisie since approximately April 2008, and was extended to Lubero in approximately the first half of 2009.

In North Kivu, the Association of Négociants, or *Association des Négociants de Minérais du Nord Kivu* ("ANEMKI"), has since mid-2009 begun implementation of a *Fiche de Tracabilité de minérais*, listing taxes paid for each *négociant*'s minerals, and details of where the product came from. If a *négociant* has sourced product from several suppliers, the fiche will list each of the suppliers.

Annex 59

Documentation provided by cassiterite mineral traders to *comptoirs* in Bukavu, which refers only vaguely to the general territory where the minerals were first registered by Congolese mining authorities



Ministère des Mines
SAESSCAM
Antenne de : SUD/KIVU.
Guichet de : KAKERENGE

MONTANT 9000 FC-

BON D'ENTREE CAISSE N° 48738 / 2010

Reçu de Mme, Mr : MANGO MINJA

Motif d'encaissement : Frais de rénumeration et transport de minerai sur parcours

Suivant Note de Debit n° : 48738 /2010

Montant encaissé : Neuf mille Franc Congolais
(en toutes lettres)

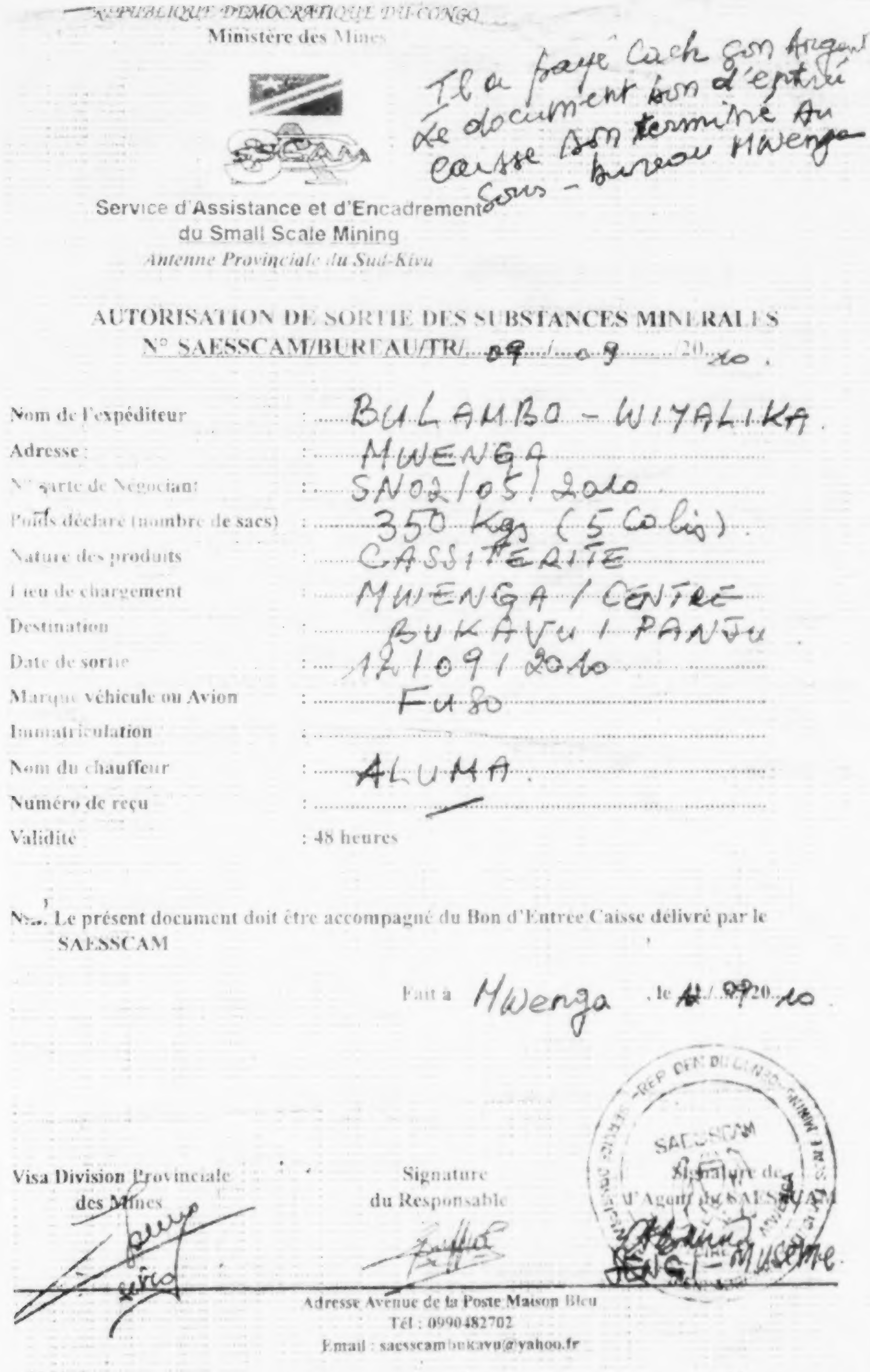
Neuf mille Franc Congolais

Fait à Kakerenge le 05/03/2010

Visa du Responsable

Le Guichetier

Original : Le Débiteur ; 1ère copie : Comptabilité ; 2ème copie : Fisc



REPUBLIQUE DEMOCRATIQUE DU CONGO
Ministère des Mines

Il a payé cach son Argent
Le document bon d'entré
caisse son terminé Au
Sous-bureau Mwenga

Service d'Assistance et d'Encadrement
du Small Scale Mining
Antenne Provinciale du Sud-Kivu

AUTORISATION DE SORTIE DES SUBSTANCES MINERALES
N° SAESSCAM/BUREAU/TR/ 09 / 09 /20 10 .

Nom de l'expéditeur : BULAMBO - WIYALIKA.
Adresse : MWENGA
N° carte de Négociant : SN02/05/2010
Poids déclaré (nombre de sacs) : 350 Kgs (5 Colis)
Nature des produits : CASSITERITE
Lieu de chargement : MWENGA / CENTRE
Destination : BUKAVU / PANJU .
Date de sortie : 12/09/2010
Marque véhicule ou Avion : FUSO
Immatriculation :
Nom du chauffeur : ALUMA .
Numéro de reçu : —
Validité : 48 heures

NB. Le présent document doit être accompagné du Bon d'Entrée Caisse délivré par le SAESSCAM

Fait à Mwenga , le 11/09/20 10 .

SAESSCAM

Visa Division Provinciale des Mines

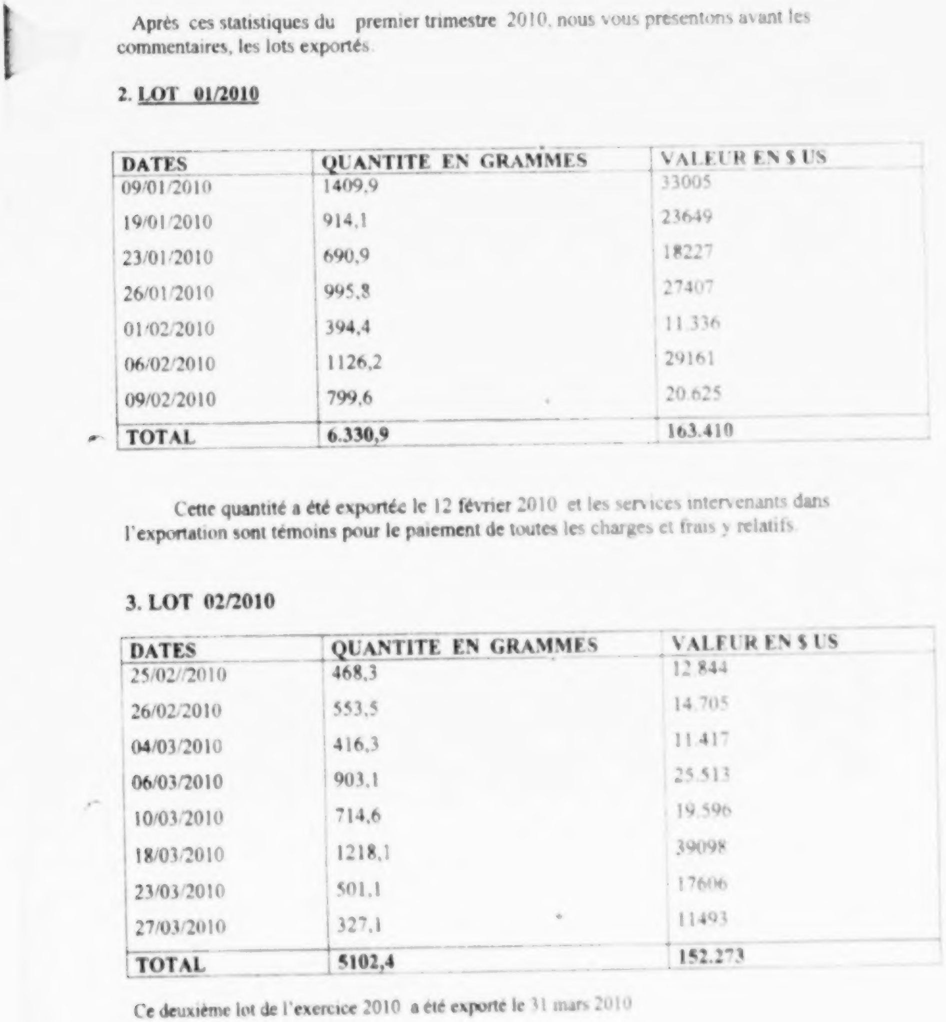
Signature du Responsable

Signature de l'Agent du SAESSCAM
NGI-MUSEME

Adresse Avenue de la Poste Maison Bleu
Tél : 0990482702
Email : saesscambukavu@yahoo.fr

Annex 60

Official exports during the first three months of 2010 by Établissement Namukaya



Après ces statistiques du premier trimestre 2010, nous vous presentons avant les commentaires, les lots exportés.

2. LOT 01/2010

DATES	QUANTITE EN GRAMMES	VALEUR EN $ US
09/01/2010	1409,9	33005
19/01/2010	914,1	23649
23/01/2010	690,9	18227
26/01/2010	995,8	27407
01/02/2010	394,4	11.336
06/02/2010	1126,2	29161
09/02/2010	799,6	20.625
TOTAL	**6.330,9**	**163.410**

Cette quantité a été exportée le 12 février 2010 et les services intervenants dans l'exportation sont témoins pour le paiement de toutes les charges et frais y relatifs.

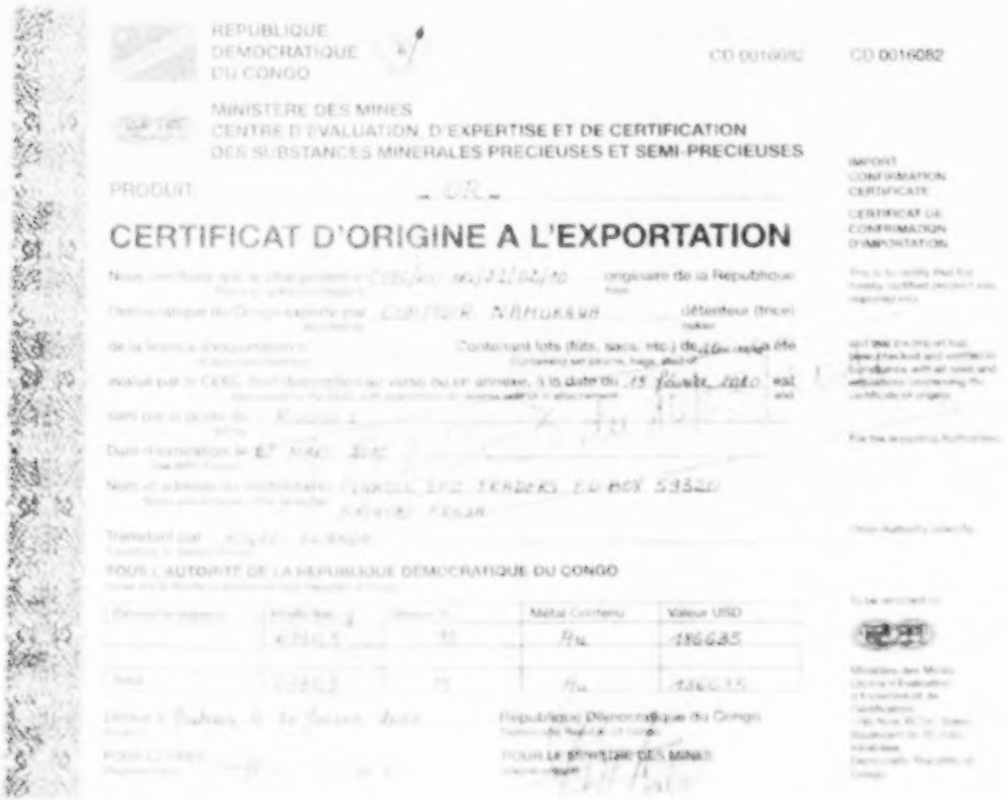
3. LOT 02/2010

DATES	QUANTITE EN GRAMMES	VALEUR EN $ US
25/02//2010	468,3	12.844
26/02/2010	553,5	14.705
04/03/2010	416,3	11.417
06/03/2010	903,1	25.513
10/03/2010	714,6	19.596
18/03/2010	1218,1	39098
23/03/2010	501,1	17606
27/03/2010	327,1	11493
TOTAL	**5102,4**	**152.273**

Ce deuxième lot de l'exercice 2010 a été exporté le 31 mars 2010

Annex 61

Certificate of origin for export from Établissment Namukaya to Pinacle EPZ Traders in Nairobi



REPUBLIQUE
DEMOCRATIQUE
DU CONGO

CD 0016082

CD 0016082

MINISTERE DES MINES
CENTRE D'EVALUATION, D'EXPERTISE ET DE CERTIFICATION
DES SUBSTANCES MINERALES PRECIEUSES ET SEMI-PRECIEUSES

PRODUIT: OR

IMPORT
CONFIRMATION
CERTIFICATE

CERTIFICAT DE
CONFIRMATION
D'IMPORTATION

CERTIFICAT D'ORIGINE A L'EXPORTATION

[illegible] originaire de la République

[illegible] COMPTOIR NAMUKAYA détenteur (trice)

[illegible] Contenant lots (fûts, sacs, etc.) de [illegible] été

[illegible] à la date du 15 février 2010 est

Nom et adresse du destinataire: PINACLE EPZ TRADERS P.O BOX 53320 NAIROBI KENYA

POUR L'AUTORITE DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO

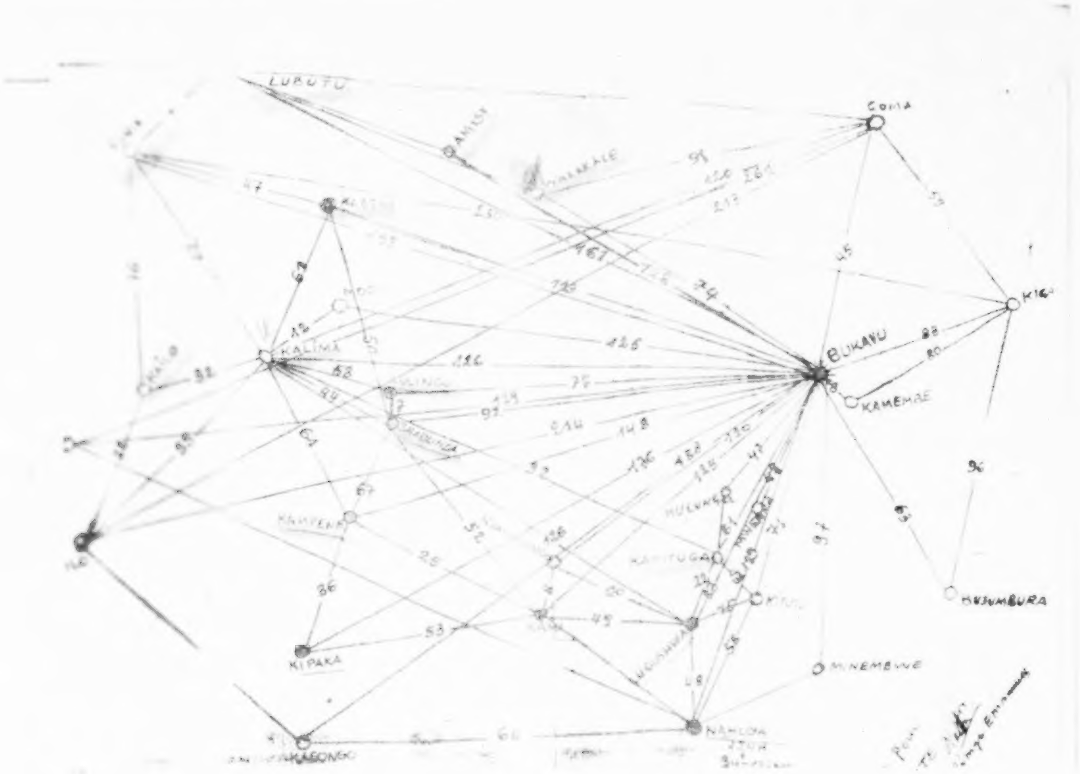
[illegible]	[illegible]	[illegible]	Métal Contenu	Valeur USD
	[illegible]	[illegible]	Au	186685
Total	[illegible]	[illegible]	Au	186685

République Démocratique du Congo

POUR LE MINISTRE DES MINES

Annex 62

Flight routes available through New Congocom Air, run by Établissement Namukaya


LUBUTU
GOMA
KALIMA
KAMPENE
KIPAKA
BUKAVU
KAMEMBE
BUJUMBURA
KAMITUGA
MINEMBWE
NAMOYA
KASONGO
47
62
126
79
426
461
74
45
88
80
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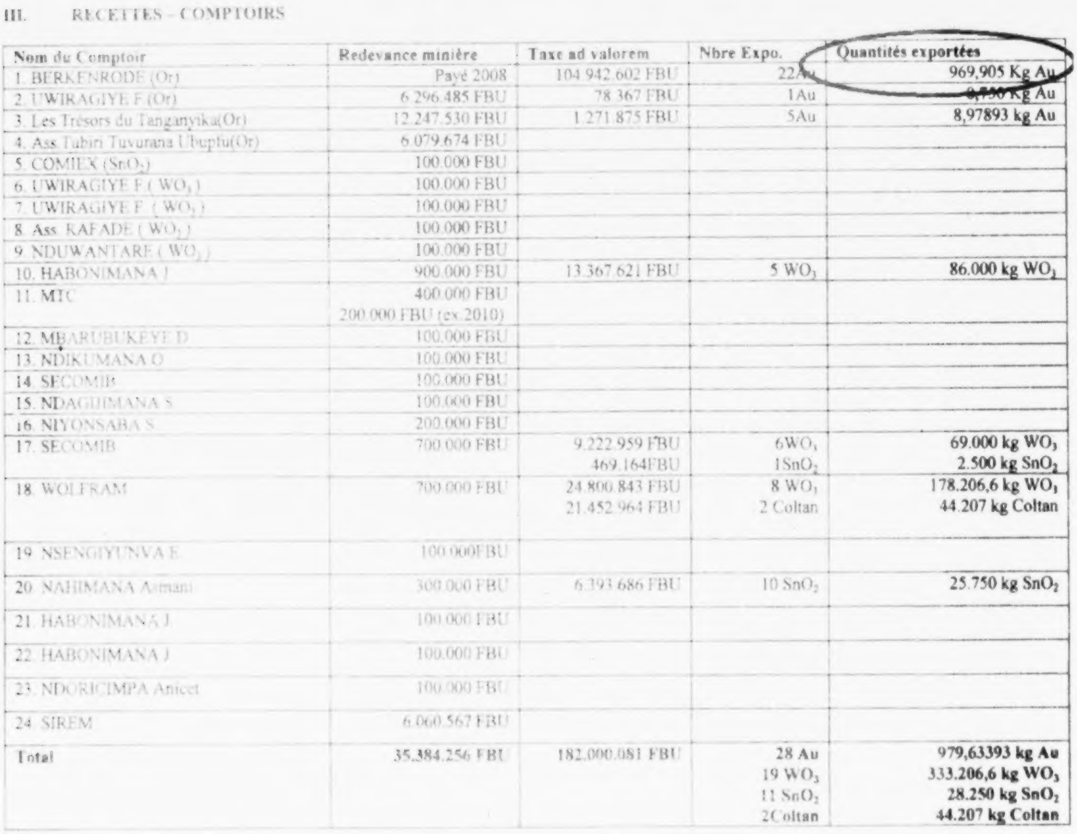
45

Annex 63

Official exports by Berkenrode, run by Mutoka Ruganyira, over the course of 2009

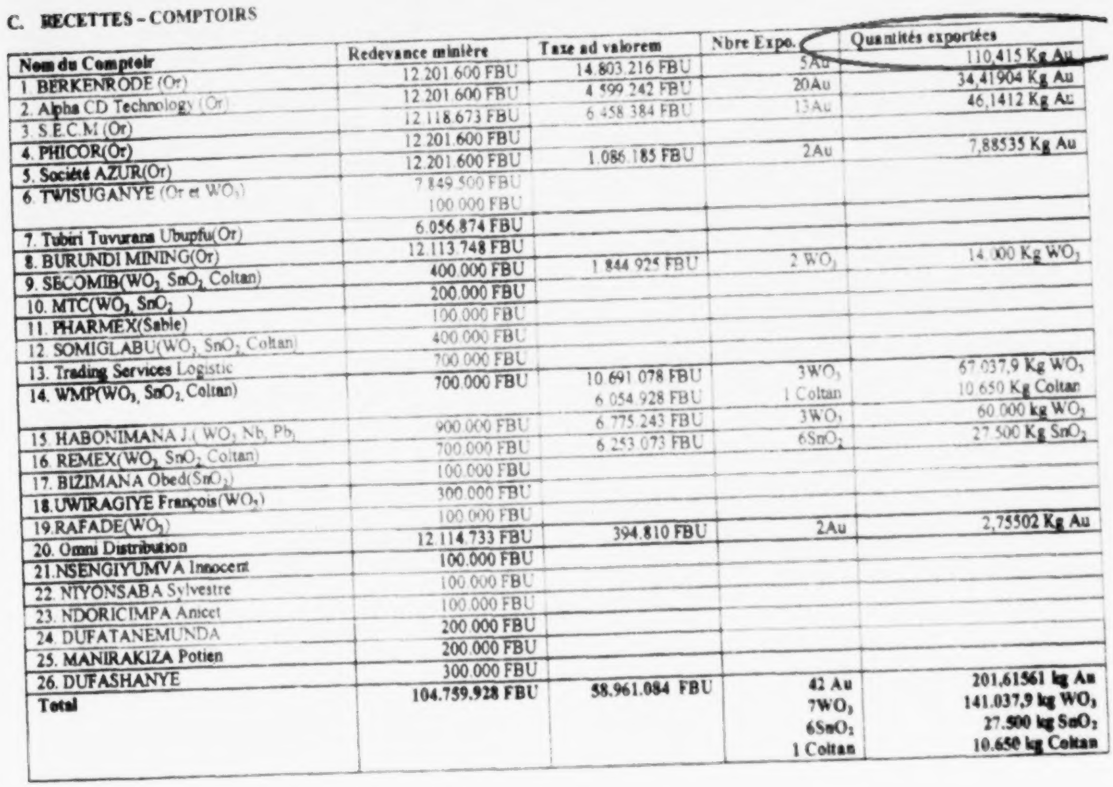


III. RECETTES – COMPTOIRS

Nom du Comptoir	Redevance minière	Taxe ad valorem	Nbre Expo.	Quantités exportées
1. BERKENRODE (Or)	Payé 2008	104 942 602 FBU	22Au	969,905 Kg Au
2. UWIRAGIYE F (Or)	6 296 485 FBU	78 367 FBU	1Au	0,750 Kg Au
3. Les Trésors du Tanganyika(Or)	12 247 530 FBU	1 271 875 FBU	5Au	8,97893 kg Au
4. Ass Tubiri Tuvurana Ubuptu(Or)	6 079 674 FBU			
5. COMIEX (SnO_2)	100.000 FBU			
6. UWIRAGIYE F (WO_3)	100.000 FBU			
7. UWIRAGIYE F (WO_3)	100.000 FBU			
8. Ass. KAFADE (WO_3)	100.000 FBU			
9. NDUWANTARE (WO_3)	100.000 FBU			
10. HABONIMANA J	900.000 FBU	13 367 621 FBU	5 WO_3	86.000 kg WO_3
11. MTC	400.000 FBU 200.000 FBU (ex.2010)			
12. MBARUBUKEYE D	100.000 FBU			
13. NDIKUMANA O	100.000 FBU			
14. SECOMIB	100.000 FBU			
15. NDAGIJIMANA S	100.000 FBU			
16. NIYONSABA S	200.000 FBU			
17. SECOMIB	700.000 FBU	9.222.959 FBU 469.164FBU	6WO_3 1SnO_2	69.000 kg WO_3 2.500 kg SnO_2
18. WOLFRAM	700.000 FBU	24.800.843 FBU 21.452.964 FBU	8 WO_3 2 Coltan	178.206,6 kg WO_3 44.207 kg Coltan
19. NSENGIYUNVA E	100.000FBU			
20. NAHIMANA Asmani	300.000 FBU	6.393.686 FBU	10 SnO_2	25.750 kg SnO_2
21. HABONIMANA J	100.000 FBU			
22. HABONIMANA J	100.000 FBU			
23. NDORICIMPA Anicet	100.000 FBU			
24. SIREM	6.060.567 FBU			
Total	35.384.256 FBU	182.000.081 FBU	28 Au 19 WO_3 11 SnO_2 2Coltan	979,63393 kg Au 333.206,6 kg WO_3 28.250 kg SnO_2 44.207 kg Coltan

Annex 64

Official exports by Berkenrode, run by Mutoka Ruganyira, over the first seven months of 2010



C. RECETTES – COMPTOIRS

Nom du Comptoir	Redevance minière	Taxe ad valorem	Nbre Expo.	Quantités exportées
1. BERKENRODE (Or)	12.201.600 FBU	14.803.216 FBU	5Au	110,415 Kg Au
2. Alpha CD Technology (Or)	12.201.600 FBU	4 599 242 FBU	20Au	34,41904 Kg Au
3. S.E.C.M (Or)	12.118.673 FBU	6 458 384 FBU	13Au	46,1412 Kg Au
4. PHICOR(Or)	12.201.600 FBU			
5. Société AZUR(Or)	12.201.600 FBU	1.086.185 FBU	2Au	7,88535 Kg Au
6. TWISUGANYE (Or et WO_3)	7 849 500 FBU 100 000 FBU			
7. Tubiri Tuvurana Ubupfu(Or)	6.056.874 FBU			
8. BURUNDI MINING(Or)	12.113.748 FBU			
9. SECOMIB(WO_3, SnO_2, Coltan)	400.000 FBU	1 844 925 FBU	2 WO_3	14 000 Kg WO_3
10. MTC(WO_3, SnO_2)	200.000 FBU			
11. PHARMEX(Sable)	100 000 FBU			
12. SOMIGLABU(WO_3, SnO_2, Coltan)	400 000 FBU			
13. Trading Services Logistic	700 000 FBU			
14. WMP(WO_3, SnO_2, Coltan)	700.000 FBU	10 691 078 FBU 6 054 928 FBU	3WO_3 1 Coltan	67 037,9 Kg WO_3 10 650 Kg Coltan
15. HABONIMANA J.(WO_3 Nb, Pb,	900 000 FBU	6 775 243 FBU	3WO_3	60 000 kg WO_3
16. REMEX(WO_3, SnO_2, Coltan)	700 000 FBU	6 253 073 FBU	6SnO_2	27 500 Kg SnO_2
17. BIZIMANA Obed(SnO_2)	100 000 FBU			
18. UWIRAGIYE François(WO_3)	300 000 FBU			
19. RAFADE(WO_3)	100 000 FBU			
20. Omni Distribution	12 114 733 FBU	394.810 FBU	2Au	2,75502 Kg Au
21. NSENGIYUMVA Innocent	100.000 FBU			
22. NIYONSABA Sylvestre	100 000 FBU			
23. NDORICIMPA Anicet	100 000 FBU			
24. DUFATANEMUNDA	200 000 FBU			
25. MANIRAKIZA Potien	200 000 FBU			
26. DUFASHANYE	300 000 FBU			
Total	**104.759.928 FBU**	**58.961.084 FBU**	**42 Au** **7WO_3** **6SnO_2** **1 Coltan**	**201,61561 kg Au** **141.037,9 kg WO_3** **27.500 kg SnO_2** **10.650 kg Coltan**